

# भारत का राजपत्र The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(एक मंत्रालय की छद्म) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ  
Statutory Orders and Notifications issued by the Ministries of the Government  
of India (other than the Ministry of Defence)

कर्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कर्मिक और प्रशिक्षण विभाग)

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel & Training)

नई दिल्ली, 13 सितम्बर, 1993

New Delhi, the 13th September, 1993

का.भा. 2025.—केन्द्रीय सरकार, राजभाषा (संघ के  
कीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10  
उप नियम (4) के अनुसरण में एतद्वारा इस मंत्रालय  
शासनाधीन "कर्मचारी चयन आयोग" के निम्नलिखित  
य/उप क्षेत्रीय कार्यालयों को, जिनके 80 प्रतिशत से अधिक  
ारी वृन्द ने हिंदी का कार्य-साधक ज्ञान प्राप्त कर लिया  
अधिसूचित करती है :—

S.O. 2025.—In pursuance of Sub-Rule (4) of Rule 10 of  
the Official Language (Use for Official purposes of the  
Union) Rules, 1976, the Central Government hereby notifies  
the following Regional/Sub-Regional offices of the Staff  
Selection Commission, under the administrative control of  
this Ministry, where more than 80 per cent Staff have ac-  
quired working knowledge of Hindi :—

कर्मचारी चयन आयोग (पश्चिमी क्षेत्र), बम्बई।

(i) Staff Selection Commission (Western Region)  
Bombay.

कर्मचारी चयन आयोग (उप क्षेत्रीय कार्यालय), बंगलूर।

(ii) Staff Selection Commission (Sub-Regional Office)  
Bangalore.

[सं. 11011/3/93-हि. II]

ए. के. भट्टराई, उप-सचिव

[No. 11011/3/Hindi II]

A. K. BHATTARAI, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 7 जुलाई, 1993

(आयकर)

का.आ. 2026.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री पदमनाभास्वामी मंदिर, त्रिवेन्द्रम” को कर-निर्धारण वर्ष 1988-89 से 1989-90 तक के लिए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है।

[अधिसूचना संख्या 9326/फा.सं. 197/27/93 आयकर मि-I]

शरत चन्द्र, अवर सचिव

#### MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 7th July, 1993

(INCOME-TAX)

S.O. 2026.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sree Badmanabhaswamy Temple, Trivandrum” for the purpose of the said sub-clause for the assessment years 1988-89 to 1989-90.

[Notification No. 9326/F. No. 197/27/93-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 9 जुलाई, 1993

(आयकर)

का.आ. 2027.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री गंगाधरेश्वर ट्रस्ट, ऋषिकेश, (उत्तर प्रदेश)” को कर-निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों के संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से इसकी निधि (जेयर-जवा-हिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9336/फा.सं. 197/110/93-आयकर मि-1,

शरत चन्द्र, अवर सचिव.]

New Delhi, the 9th July, 1993

(INCOME-TAX)

S.O. 2027.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sri Gangadhareshwar Trust, Rishikesh, (Uttar Pradesh)” for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulated for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of objectives of the assessee and separate books of accounts are maintained in the form of a business.

[Notification No. 9336/F. No. 197/110/93-ITA

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 9 जुलाई, 1993

(आयकर)

का.आ. 2028.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के उपखंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री जैन श्वेतांबर मंडल, भद्रावती, जिला चन्द्रा- (महाराष्ट्र)” को कर-निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों के संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों

से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव अंशदान से भिन्न) का निवेश नहीं उसे जमा नहीं करवा सकेगा;

किसी ऐसी आय के संबंध में लागू नहीं होगी जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना संख्या 9332/फा. सं. 197/97/93-आकर(नि-I)]

शरत चन्द्र, अवर सचिव

New Delhi, the 9th July, 1993

(INCOME-TAX)

S.O. 2028.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shree Jain Shwetambar, Mandal, Bhadrawati, Distt. Chandrapur, (Maharashtra)" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9332/F. No. 197/97/93-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 9 जुलाई, 1993

(आयकर)

का.आ. 2029.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री गुरु सिंह सभा (रजि.), बबई" को कर-निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू होगी जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना संख्या 9337/फा. सं. 197/91/91-आयकर(नि-I)]

शरत चन्द्र, अवर सचिव

New Delhi, the 9th July, 1993

(INCOME-TAX)

S.O. 2029.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Guru Singh Sabha (Regd.), Bombay" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9337/F. No. 197/91/91-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 9 जुलाई, 1993

(आयकर)

का. आ. 2030.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल स्पिरिटुअल असेम्बली आफ दि बाहायीस आफ इण्डिया, नई दिल्ली" को कर-निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों

के अध्यक्षीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

नई दिल्ली, 15 जुलाई, 1993

(आयकर)

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव, में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना 9334/फा.सं. 197/120/93-आ कर-नि-I]

शरत चन्द्र, अवसर सचिव

New Delhi, the 9th July 1993

(INCOME-TAX)

S.O. 2030.—In exercise of the powers conferred by sub-clause (vi) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Spiritual Assembly of the Bahá'ís of India, New Delhi" of the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in the form of such business.

[Notification No. 9334/F. No. 197/120/93-ITA-I]

SHARAT CHANDRA, Under Secy.

का. आ. 2031.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उप-खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इंस्टीट्यूट आफ दि फ्रेंचिस्कन मिशनरीज आफ मेरो, सोसाइटी नं. 9, कोयम्बतूर, तमिलनाडु" को कर-निर्धारण वर्ष 1989-90 से 1991-92 तक के लिए निम्न-लिखित शर्तों के अध्यक्षीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना संख्या 9339/फा.सं. 197/69/93-आयकर-नि-I]

शरत चन्द्र, अवसर सचिव

New Delhi, the 15th July, 1993

(INCOME-TAX)

S.O. 2031.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Institute of the Franciscan Missionaries of Mary, Society No. 9 Coimbatore T.N." for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in the form of such business.

[Notification No. 9339/F. No. 197/69/93-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 15 जुलाई, 1993

(आयकर)

का. आ. 2032.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री अय्यप्पा भक्त सभा, मद्रास" को कर-निर्धारण वर्ष 1989-90 से 1991-92 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 9340/फा.सं. 197/256/89-आयकरनि-I]

शरत चन्द्र, अवर सचिव

New Delhi, the 15th July, 1993

(INCOME-TAX)

S.O. 2032.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sree Ayyappa Bhakthasabha, Madras" for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in the form of such business.

[Notification No. 9340/F. No. 197/256/89-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 2 सितम्बर, 1993

(आयकर)

का. आ. 2033.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल स्पिचुअल एसेम्बली आफ बाहाइज आफ इंडिया," नई दिल्ली को कर-निर्धारण वर्ष 1989-90 से 1991-92 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 9082/फा.सं. 197/90/92-आयकरनि.-1]

शरत चन्द्र, अवर सचिव

New Delhi, the 2nd September, 1993

## (INCOME TAX)

S.O. 2033.—In exercise of the powers conferred by sub-clause (i) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Spiritual Assembly of Baha'is of India" New Delhi for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9082/F. No. 197/90/92-ITA-I]

SHARAT CHANDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 30 अगस्त, 1993

का. आ. 2034.—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) के खण्ड 56 के साथ पठित खण्ड 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिशों के अनुसार यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उप धारा (1) के प्रावधान शिमोगा डी सी सी बी लि., शिमोगा (कर्नाटक राज्य) पर इस अधिसूचना को सरकारी राजपत्र में प्रकाशित होने की तारीख में 31 मार्च, 1995 तक लागू नहीं होंगे।

[एफ. सं. 6(1) 93-एआर]

सी. बी. प्रसाद, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th August, 1993

S.O. 2034.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-Section (1) of Section 11 of the said Act shall not apply to the Shimoga DCCB Ltd., Shimoga (Karnataka State) from the date of publication of this notification in the Official Gazette to 31 March, 1995.

[F. No. 6(1) 93-AC]

C. B. PRASAD, Under Secy.

नई दिल्ली, 16 सितम्बर, 1993

का. आ. 2035.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 9 के खण्ड (इ) के उप खण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, संयुक्त राज्य अमेरिका में देलवारे राज्य में दिगमित कम्पनी, इरिडियम इन्का. (Inc) के शेयरों का समर्थन करते अथवा निवेश करते, खरीदने के लिए भारतीय औद्योगिक विकास बैंक को प्राधिकृत करती है।

[एफ. सं. 10(27)/आई. एफ. I/93]

वी. पी. भारद्वाज, अवर सचिव

New Delhi, the 16th September, 1993

S.O. 2035.—In exercise of the powers conferred by clause (ii) of sub-section (1) of Section 9 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby authorises the Industrial Development Bank of India to purchase, subscribe to, or invest in, the shares of Iridium Inc., a company incorporated in the State of Delaware in the United States of America.

[F. No. 10(27)/IFI/93]

V. P. BHARDWAJ, Under Secy.

मुख्य आयकर आयुक्त-III, का कार्यालय

कलकत्ता, 14 जून, 1993

संख्या-2/93-94

का.आ. 2036.—संख्या मु.आ. 111/शेवा./1/90-91/626/दिनांक 16, 17-9-91 के दिनांक 12 दिसम्बर, 1990 की अधिसूचना संख्या 10/90-91 (सही रूप में 11/90-91 होना चाहिए) में आंशिक संशोधन करते हुए और आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उप धारा 4 के खण्ड (ख) तथा केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के दिनांक 9-7-1990 की अधिसूचना संख्या 8694, फा.सं. 187/6/89 आई.टी.ए., एन.ओ.सं. 51 वो (ई) के अन्तर्गत प्रदत्त शक्तियों का और इस बाबत सभी अन्य समर्थकारी शक्तियों का प्रयोग और पुनः सभी शक्तियों का अधिक्रमण करते हुए मैं, मुख्य आयकर आयुक्त III कलकत्ता एतद्वारा निदेश देता हूँ कि नोबे दो गई अनुसूची के स्तम्भ 4 में निर्दिष्ट आयकर आयुक्त की अधिकारिता के अन्तर्गत स्तम्भ 2 में निर्दिष्ट आयकर आयुक्त इस अनुसूची के स्तम्भ-3 में निर्दिष्ट क्षेत्रों या व्यक्तियों के वर्गों या आय या आय के वर्गों या मामलों या मामलों के वर्गों की बाबत आयकर अधिनियम, 1961 के अधीन निष्पत्ति

अधिकारी की सभी शक्तियों का प्रयोग करेंगे और सभी कार्य करेंगे।

क्रम आयकर अधिकार क्षेत्र अथवा आय आदि आयकर सं. प्राधिकारी जिसके ऊपर प्राधिकारी को निर्धारण का पदनाम प्राधिकारी के कार्य सौंपे गये है पदनाम जिन के अधीन स्तम्भ 2 में विनिर्दिष्ट प्राधिकारी कार्य करेंगे

1	2	3	4
1. उ.आ. स्वे. रेंज-5, कल.	सभी निर्धारिती जो निम्नलिखित उपायुक्त, कल. के क्षेत्राधिकार में आते हैं; जहां वित्तीय वर्ष पश्चिम बंगाल-5 के पहली अप्रैल को लम्बित आय विवरणी 10 लाख अथवा इससे अधिक की आय/हानि दिखाती है।	आयकर आयुक्त कलकत्ता	
	(क) आ.उ.आ. रेंज-9, कलकत्ता।		
	(ख) आ.उ.आ., रेंज-4, कलकत्ता		
	(ग) आयकर अधिनियम, 1961 की धारा 127 के अधीन सभी मामले सौंपे जायेंगे।		
2. उ.आ. स्वे. रेंज-6 कलकत्ता	सभी निर्धारिती जो निम्नलिखित उपायुक्त कलकत्ता के क्षेत्राधिकार में आते हैं; वहां वित्तीय वर्ष के पहली अप्रैल को लम्बित आय	आयकर आयुक्त पश्चिम बंगाल-6 कलकत्ता।	

1	2	3	4
		विवरणी 10 लाख अथवा इससे अधिक की आय/हानि दिखाती है।	
		(क) आ. उ.आ., रेंज-10 कलकत्ता।	
		(ख) आ. उ.आ., रेंज-5, कलकत्ता।	
		(ग) आयकर अधिनियम, 1961 की धारा 127 के अधीन सभी मामले सौंपे जायेंगे।	
3. उ.आ. स्वे. रेंज-20 कलकत्ता।	सभी निर्धारिती, जो निम्नलिखित उपायुक्त कलकत्ता के क्षेत्राधिकार में आते हैं; जहां वित्तीय वर्ष के पहली अप्रैल को लम्बित आय विवरणी 10 लाख अथवा इससे अधिक की आय/हानि दिखाती है।	आयकर आयुक्त पश्चिम बंगाल-11, कलकत्ता।	
		(क) आ. उ.आ., रेंज-19, कलकत्ता।	
		(ख) आ. उ.आ., रेंज-आसन-सोल।	
		(ग) आयकर अधिनियम, 1961 की धारा 127 के अधीन सभी मामले सौंपे जायेंगे।	

यह अधिसूचना दिनांक 14-7-93 से लागू होगी।

[सं.स.आ./मु.ख्या./योजना/93/94/10/1908/2607]

एच. एन. कुण्डु, मुख्य आयकर आयुक्त

## OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX-III

Calcutta, the 14th July, 1993

No. 2/93-94

S.O. 2036 :—In partial notification of the Notification No. 10/90-91 should have been correctly stated as 11/90-91 dated, the 12th Dec. 1990, in No CC. III/Juris. I/90-91/626 dated 16/17-9-91 and in exercise of the powers conferred by Clause (b) of Sub-Section 4 of Section 120 of the Income-tax Act, 1961 (43 of 1961. and in exercise of the powers conferred on me by the Central Board of Direct Taxes, New Delhi, vide its Notification No. 8694, F. No. 187/6/89-ITA, S.O. No. 54B(E) dated 9-7-1990 and all powers enabling me in this behalf and in supersession of earlier orders, I, the Chief Commissioner of Income Tax-III, Calcutta, hereby direct that the Deputy Commissioner of Income Tax, specified in Col. 2 shall exercise all the powers and perform all the functions of an Assessing Officer under the Income Tax Act, 1961 in respect of the areas or classes of persons, or income or classes of income or cases

or classes of cases specified in Col. 3 within the jurisdiction of the Commissioner of Income Tax as specified in Col. No. 4 of the schedule below :—

Sl. No.	Designation of the Income-tax Authority	Jurisdiction over the area or income etc. which the Authority is assigned the function of an Assessing Officer.	Designation of the Commissioner of Income-tax under whom the Authority specified in Col. 2 will function.
1	2	3	4
1.	D.C. Spl. Range-5, Calcutta.	All the assesseees which fall within the jurisdiction of the following Deputy Commissioners of Income-tax, Cal. where returns of income pending as on 1st April of the financial year shows income/loss of Rs. 10 lakhs & above. (a) DCIT, Range-9, Calcutta. (b) DCIT, Range 4, Calcutta. (c) All cases to be assigned u/s. 127 of the IT Act, 1961.	Commissioner of Income-tax West Bengal-V, Calcutta.
2.	D.C. Spl. Range-6, Calcutta.	All the assesseees which fall within the jurisdiction of the following Deputy Commissioners of Income-tax Cal. where returns of the income pending as on 1st April of the financial year shows income/loss of Rs. 10 lakhs and above. (a) DCIT, Range-18, Calcutta. (b) DCIT Range-5, Calcutta. (c) All cases to be assigned u/s. 127 of the IT Act, 1961	Commissioner of Income-tax West Bengal-VI, Calcutta.
3.	D.C. Spl. Range-10, Calcutta.	All the assesseees which fall within the jurisdiction of the following Deputy Commissioners of Income-tax, where returns of the income pending as on 1st April of the financial year shows income/loss of Rs. 10 lakhs and above (a) DCIT, Range-19, Calcutta. (b) DCIT, Range-Asansol. (c) All cases to be assigned u/s. 127 of the IT Act, 1961.	Commissioner of Income-tax — West Bengal-XI, Calcutta

This notification comes into effect from 10-7-1993.

[No. AC/HQ/Planning/10/93/94/1908—2607]

H.N. KUNDU, Chief Commissioner  
of Income-tax

कलकत्ता, 11 अगस्त, 1993

संख्या : 5/93-94

का.आ. 2037.— मुख्य आयकर आयुक्त, कलकत्ता, मुख्य आयकर आयुक्त-II, कलकत्ता और मुख्य आयकर आयुक्त-III कलकत्ता द्वारा पारित पूर्वतर आदेशों संख्या 4/92-93 दिनांक 7-8-92, 6/92-93 दिनांक 21-9-92 और 7/92-93 दिनांक 23-2-93 में आंशिक संशोधन करते हुए और आय-

कर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के अधिन जारी अधिसूचना संख्या 9329 दिनांक 8-7-93 फा.संख्या 261/2/92-आदेश डी.जे., आर एन. ओ. संख्या 505 (ई) दिनांक 8-7-93 और इसकी ओर से मुझे अन्य गक्तियां प्रदान करने वाली सभी गक्तियों का प्रयोग करते हुए और इस बारे में पूर्व अधिसूचनाओं का अधिक्रमण करते हुए ऐसे अधिक्रमण के पूर्व किए



एक कार्य अथवा करने के लिए छोड़ दिये गये को छोड़कर, हम, मुख्य आयकर आयुक्त कलकत्ता और मुख्य आयकर आयुक्त-III, कलकत्ता एतद्वारा निदेश देते हैं कि आयकर अधिनियम, 1961 की धारा 246 की उप-धारा (2) के खण्ड (ए) से (एच) तक, धनकर अधिनियम, 1957 (1957 का 27) की धारा 23 की उप-धारा (1ए) के खण्ड (ए) से (ओ) तक, दानकर अधिनियम, 1958 (1958 का 18) की धारा 22 की उप-धारा (1ए) के खण्ड (ए) से (ई) तक, कम्पनी (लाभ) अतिकर अधिनियम, 1984 (1984 का 7) की धारा 11 की उप-धारा (1), व्याज कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उप-धारा (1) और व्यय कर अधिनियम, 1987 (1987 का 35) की धारा 22 की उप-धारा (1) और सम्पदा शुल्क अधिनियम, 1953 की धारा 62 में वर्णित आदेशों के अनुसार स्तम्भ 3 में विनिर्दिष्ट आयकर प्राधिकारियों/निर्धारण अधिकारियों द्वारा आयकर या धनकर या दानकर या अतिकर या व्याज कर या व्यय कर या सम्पदा शुल्क देने वाले असंतुष्ट निर्धारितियों के सम्बन्ध में संलग्न अनुसूची के स्तम्भ 2 में विनिर्दिष्ट आयकर आयुक्त (अपील) अपना कार्य करेंगे।

2. जहाँ एक आयकर सर्कल, वार्ड या स्पेशल रेंज या उनके अंश, इस अधिसूचना के अनुसार एक रेंज से दूसरे रेंज में स्थानांतरित हो गये हों, इस अधिसूचना के जारी होने के शीघ्र पहले आयकर आयुक्त (अपील) के समीप के उन आयकर वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश के निर्धारण से उद्भूत अपील लम्बित है और इस अधिसूचना के प्रभावी होने की तिथि से उन आयकर वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश से स्थानांतरित हुए मामलों का निपटान आयकर आयुक्त (अपील) करेंगे जिनके अधीन उक्त वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश स्थानांतरित किए गये हैं।

3. यह अधिसूचना दिनांक 11-8-93 से लागू होगी।

#### अनुसूची

आयकर आयुक्त (अपील) के क्षेत्राधिकार

क्रम संख्या (अपील) के पदनाम	आयकर आयुक्त	क्षेत्राधिकार
1	2	3

मुख्य आयकर आयुक्त कल.  
के नियंत्रणाधीन

1. आयकर आयुक्त (अपील)-1, कलकत्ता (क) आयकर उपायुक्त, रेंज-7, कलकत्ता के अधीन सभी निर्धारण अधिकारी।

1 2 3

(ख) आयकर उपायुक्त, स्पेशल रेंज-1 कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-1, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।

(ग) आयकर उपायुक्त, स्पे. रेंज-2 कल. और आयकर उपायुक्त स्पे. रेंज-2, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।

(घ) आयकर उपायुक्त, स्पेशल रेंज-7, कलकत्ता और आयकर उपायुक्त स्पे. रेंज-7, कल. के अधीनस्थ सभी निर्धारण अधिकारी।

(च) आयकर उपायुक्त, स्पेशल रेंज-10, कलकत्ता और आयकर उपायुक्त स्पे. रेंज-10, कल. के अधीनस्थ सभी निर्धारण अधिकारी।

(छ) आयकर उपायुक्त, स्पेशल रेंज-11, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-11 कल. के अधीनस्थ सभी निर्धारण अधिकारी।

(ज) आयकर उपायुक्त, स्पेशल रेंज-12, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-12, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-12, कल. के अधीनस्थ सभी निर्धारण अधिकारी।

(झ) आयकर उपायुक्त, स्पेशल रेंज-21, कलकत्ता और आयकर उपायुक्त, रेंज-21, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।

2. आयकर आयुक्त, (अपील)-6 कलकत्ता (क) आयकर उपायुक्त, रेंज-6, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।

(ख) आयकर उपायुक्त, रेंज-10, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।

(ग) आयकर उपायुक्त, रेंज-11, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।

(घ) आयकर उपायुक्त, रेंज-21, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।

1	2	3
	(य) आयकर उपायुक्त, जलपाई-गुड़ी रेंज, जलपाईगुड़ी के अधीन कार्यरत सभी निर्धारण अधिकारी ।	
	(छ) आयकर उपायुक्त, रेंज-20, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।	
	(ज) आयकर उपायुक्त, स्पेशल रेंज-8, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-8, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी ।	
3. आयकर आयुक्त, (अपील)-7, कलकत्ता	(क) आयकर उपायुक्त, रेंज-1, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।	
	(ख) आयकर उपायुक्त, रेंज-13, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।	
	(ग) आयकर उपायुक्त, रेंज-15, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।	
	(घ) आयकर निदेशक (आयकर छूट), कलकत्ता के प्रशासनिक नियंत्रणाधीन और अधीनस्थ सभी निर्धारण अधिकारी ।	

मुख्य आयकर आयुक्त-III,  
कलकत्ता ।

4. आयकर आयुक्त (अपील)-9, कलकत्ता	(ध) आयकर उपायुक्त, रेंज-4, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।
	(ख) आयकर उपायुक्त, रेंज-9, कलकत्ता के अधीन सभी निर्धारण अधिकारी ।
	(ग) आयकर उपायुक्त, आसनसोल रेंज, आसनसोल के अधीन सभी निर्धारण अधिकारी ।
	(घ) आयकर उपायुक्त, स्पेशल रेंज-5, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-5, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी ।

1	2	3
	(च) आयकर उपायुक्त, स्पेशल रेंज-20, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-20, कल. के अधीनस्थ सभी निर्धारण अधिकारी ।	
5. आयकर आयुक्त, (अपील)-12, कलकत्ता ।	(क) आयकर उपायुक्त, रेंज-18, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।	
	(ख) आयकर उपायुक्त, रेंज-19, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।	
	(ग) आयकर उपायुक्त, रेंज-5, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।	
	(घ) आयकर उपायुक्त, स्पेशल रेंज-6, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-6, कलकत्ता के अधीनस्थ निर्धारण अधिकारी ।	

[सं. स.आ./मुख्या./योजना/30/93/94/4883-5582]

एच.एन. कुण्डू, मु.आ.आ.-III ए.आर. मण्डल, मु.आ.आ.

Calcutta, the 11th August, 1993

No. 5/93-94

S.O. 2037.—In partial modification of earlier orders Nos. 4/92-93 dated 7-8-1992, 6/92-93 dated 21-9-92 and 7/92-93 dated 23-2-93 passed by the Chief Commissioner of Income-tax, Calcutta, Chief Commissioner of Income-tax-II, Calcutta and Chief Commissioner of Income-tax-III, Calcutta, and in exercise of the powers conferred by sub-section (1) & (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and in exercise of powers conferred on us by the Central Board of Direct Taxes, New Delhi, vide its Notification No. 9329 in F. No. 261/2/92-ITJ dated 8-7-93 and S.O. No. 505(E) dated 8-7-93 and all other powers enabling us in this behalf and in supersession of all earlier notifications made in this behalf, except in respect of things done or omitted to be done before such supersession, we, the Chief Commissioner of Income-tax, Calcutta and Chief Commissioner of Income-tax-III, Calcutta, hereby direct that the Commissioners of Income-tax (Appeals) specified in column 2 of the schedule attached hereto, shall perform their functions in respect of such persons assessed to Income-tax or Wealth-tax or Gift-tax or Sur-tax or Interest-tax or Expenditure-tax or Estate Duty by the Income-tax Authorities/Assessing Officers specified in column 3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961 clauses (a) to (o) of sub-section (1A) of Section 23 of the Wealth-tax Act, 1957 (27 of 1957) clauses (a) to (e) of sub-section (1A) of Section 22 of the Gift-tax Act, 1958 (18 of 1958), sub-section (1) of Section 11 of the Companies (Profit) Sur-tax Act, 1984 (7 of 1984), sub-section (1) of Section 15 of the Interest-tax Act, 1974 (45 of 1974) and sub-section (1) of Section 22 of the Expenditure-tax Act, 1987 (35 of 1987) and Section 62 of the Estate Duty Act, 1953.

2. Where an Income-tax Circle, Ward or Special Range or part thereof stands transferred by this notification from

one charge to another, appeals arising out of the assessments made in this Income-tax Ward/Circle/Special Range or part thereof and pending immediately before the date, from which this notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that Income-tax Ward/Circle/Special Range or part thereof is transferred shall, from the date from which this notification takes effect, be transferred to and dealt with by the Commissioners of Income-tax (Appeals) to whom the said Ward/Circle/Special Range or part thereof is transferred.

3. This notification takes effect from 11-8-93.

#### SCHEDULE

##### Jurisdiction of the Commissioners of Income-Tax (Appeals)

Sl. No.	Designation of Commissioner of Income-tax (Appeals)	Jurisdiction
1	2	3
Under the Control of the Chief Commissioner of Income-Tax, Cal.		
1.	Commissioner of Income-tax (Appeals)-I, Calcutta.	<p>(a) All Assessing Officers functioning under Dy. Commissioner of Income-tax Range-7, Calcutta.</p> <p>(b) Deputy Commissioner of Income-tax, Special Range-1, Calcutta, and all Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-I, Calcutta.</p> <p>(c) Deputy Commissioner of Income-tax, Spl. Range-2, Calcutta, and all Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-2, Calcutta.</p> <p>(d) Dy. Commissioner of Income-tax Special Range-7, Calcutta, and all Assessing Officers subordinate to Dy. Commissioner of Income-tax, Spl. Range-7, Calcutta.</p> <p>(e) Dy. Commissioner of Income-tax, Spl. Range-10, Calcutta, and all Assessing Officers subordinate to Dy. Commissioner of Income-tax, Spl. Range-10, Calcutta.</p> <p>(f) Dy. Commissioner of Income-tax Special Range-11 Calcutta, and all Assessing Officers subordinate to Dy. Commissioner of Income-tax, Spl. Range-11, Calcutta</p> <p>(g) Dy. Commissioner of Income-tax, Spl. Range-12, Calcutta, and all Assessing</p>

##### 2. Commissioner of Income-tax (Appeals)-VI, Calcutta

Officers subordinate to Dy. Commissioner of Income-tax, Spl. Range-12, Calcutta.

(h) Dy. Commissioner of Income-tax Spl. Range-21 Cal. and all Assessing Officers subordinate to Dy. Commissioner of Income-tax, Range-21, Calcutta.

(a) All Assessing Officers functioning under Dy. Commissioner of Income-tax, Range-6 Calcutta.

(b) All Assessing Officers functioning under Dy. Commissioner of Income-tax Range-10, Calcutta.

(c) All Assessing Officers functioning under Dy. Commissioner of Income-tax, Range-11, Calcutta.

(d) All Assessing Officers functioning under Dy. Commissioner of Income-tax, Range-21, Calcutta.

(e) All Assessing Officers functioning under Dy. Commissioner of Income-tax, Jalpaiguri Range, Jalpaiguri.

(f) All Assessing Officers functioning under Dy. Commissioner of Income-tax, Range-20, Calcutta.

(g) Dy. Commissioner of Income-tax, Spl. Range-8, Calcutta, and all Assessing Officers subordinate to Dy. Commissioner of Income-tax, Spl. Range-8, Calcutta.

##### 3. Commissioner of Income-tax (Appeals)-VII, Calcutta

(a) All Assessing Officers functioning under Dy. Commissioner of Income-tax, Range-1, Calcutta.

(b) All Assessing Officers functioning under Dy. Commissioner of Income-tax Range-13, Calcutta.

(c) All Assessing Officers functioning under Dy. Commissioner of Income-tax Range-15, Calcutta.

(d) All Assessing Officers under the Administrative control and subordinate to the Director of Income-tax (Income-tax Exemption), Calcutta.

Chief Commissioner of  
Income-tax-III, Calcutta

4. Commissioner of  
Income-tax, Appeals-IX,  
Calcutta.

(a) All Assessing Officers functioning under Dy. Commissioner of Income-tax Range-4, Calcutta.

(b) All Assessing Officers functioning under Dy. Commissioner of Income-tax Range-9, Calcutta.

(c) All Assessing Officers functioning under Dy. Commissioner of Income-tax, Asansol Range, Asansol.

(d) Dy. Commissioner of Income-tax, Special Range-5, Calcutta, and all Assessing Officers subordinate to Dy. Commissioner of Income-tax, Spl. Range-5, Calcutta.

(e) Dy. Commissioner of Income-tax, Spl. Range-20, Calcutta and all Assessing Officers subordinate to Dy. Commissioner of Income-tax, Spl. Range-20, Calcutta.

5. Commissioner of  
Income-tax, (Appeals)-XII,  
Calcutta.

(a) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-18, Calcutta.

(b) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-19, Calcutta.

(c) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-5, Calcutta.

(d) Deputy Commissioner of Income-tax Special Range-6, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax Special Range-6, Calcutta.

[No. AC/HQ/Planning/30/93/94/4883-5582]

A.R. MANDAL, Chief Commissioner of Income-tax, Calcutta

H.N. KUNDU, Chief Commissioner of Income-tax-III,  
Calcutta

(आयकर आयुक्त, हरियाणा)

रोहतक, 13 सितम्बर, 1993

(आयकर)

का. आ. 2038.—आयकर आयुक्त, हरियाणा, आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड 44 के अनुसरण में तथा दिनांक 4-9-1992

की अधिसूचना सं. 377/का. सं. : 7(153)/गो. शा./92-93 को संशोधित के साथ अधिक्रान्त करते हुए श्री सीया राम कौशिक, आयकर अधिकारी का दिनांक 19-4-1990 के आदेश का. सं. गो. शा./28(19)/89-90/15 में परिभाषित क्षेत्रों पर उपर्युक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी, हिसार की शक्तियों का प्रयोग करने के लिए प्राधिकृत हैं।

2. यह अधिसूचना उपर्युक्त अधिकारी द्वारा कर वसूली अधिकारी का कार्यभार ग्रहण करने की तारीख से प्रवृत्त होगी।

[संख्या 333/का. सं. 7(153)/गो. शा./93-94]

ए. सरोज, आयकर आयुक्त

(Commissioner of Income-tax, Haryana)

Rohtak, the 13th September, 1993

(INCOME TAX)

S.O. 2038.—In pursuance of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961) and in partial modification and supersession of notification No. 377 F. No. 7(153)/CB/92-93 dated 4-9-1992, Commissioner of Income-tax, Haryana, Rohtak hereby authorises Shri Sia Ram Kaushik, Income-tax Officer to exercise the powers of the Tax Recovery Officer, Hissar under the said Act over the areas as defined vide order F. No. CB/28(19)/89-90/15 dated 19-4-1990.

2. This notification shall come into force with effect from the date the above mentioned officer take over charge of Tax Recovery Officer.

[No. 333/F. No. 7(153)/CB/93-94]

E. SAROJ, Commissioner of Income-tax

रोहतक, 13 सितम्बर, 1993

(आयकर)

का. आ. 2039.—आयकर आयुक्त, हरियाणा, आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड 44 के अनुसरण में तथा दिनांक 5-9-1990 की अधिसूचना सं. 164 का. सं. 7(153)/गो. शा./90-91/को संशोधित के साथ अधिक्रान्त करते हुए श्री जे. सी. बिन्दरा, आयकर अधिकारी को दिनांक 19-4-1990 के आदेश का. सं. गो. शा./28(19)/89-90/15 में परिभाषित क्षेत्रों पर उपर्युक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी, अम्बाला की शक्तियों का प्रयोग करने के लिए प्राधिकृत हैं।

2. यह अधिसूचना उपर्युक्त अधिकारी द्वारा कर वसूली अधिकारी का कार्यभार ग्रहण करने की तारीख से प्रवृत्त होगी।

[संख्या 334/का. सं. : 7(153)/गो. शा./93-94]

ए. सरोज, आयकर आयुक्त

Rohtak, the 13th September, 1993

(INCOME TAX)

S.O. 2039.—In pursuance of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961) and in partial modification and supersession of notification No. 164 F. No. 7(153)/CB/90-91 dated 5-9-1990, Commissioner of Income-tax,

Haryana. Rohtak hereby authorises Shri J. C. Bindra, Income-tax Officer to exercise the powers of the Tax Recovery Officer, Ambala under the said Act over the areas as defined vide order F. No. CB/28(19)/89-90-15 dated 19-4-1990.

2. This notification shall come into force with effect from the date the above mentioned officer take over charge of Tax Recovery Officer.

[No. 334/F. No. 7(153)/CB/93-94]

E. SAROI, Commissioner of Income-tax

केन्द्रीय उत्पाद शुल्क समाहृतलय

अधिसूचना संख्या 05/1993

नागपुर, 7 सितम्बर, 1993

का. आ. 2040.—श्री एस. एस. कुंडेली, सहायक प्रमुख लेखा अधिकारी, केन्द्रीय उत्पाद शुल्क समूह "ख" समाहृतलय नागपुर निवृत्तन की आयु प्राप्त करने पर दिनांक 31-08-1993 को अपरान्ह में शासकीय सेवा से निवृत्त हुए हैं।

[प.सं. II(3)17/91/स्थापना-1/19377]

हरजिंदर सिंह, उप समाहर्ता (कार्मिक एवं सतर्कता)

CENTRAL EXCISE COLLECTORATE

NOTIFICATION NO. 05/1993

Nagpur, the 7th September, 1993

2040.—In Shri S.S. Kundely, Assistant Chief Accounts Officer, Central Excise Group & 'B' of Nagpur Collectorate having attained the age of Superannuation retired from Government service on 31-08-1993 in the Afternoon.

[C. No. II(3)/89/Estt.I/19377]

HARJINDER SINGH, Dy. Collector (Per. and Vig.)

बाणिज्य मंत्रालय

(महानिदेशक विदेश व्यापार का कार्यालय)

नई दिल्ली, 10 सितम्बर, 1993

का. आ. 2041.—मैसर्स पालीपालायन स्पिनर्स लि., इरोडो को माडल 630 फाइब्रोग्राफ 675 माइक्रोनायर कंट्रोलर 654 और बैलेंस 240 बाने एक नग उस्तर स्पिडल्स सिस्टम का आयात करने के लिए 22,78,611-रु. (बाइस लाख, अठहत्तर हजार छः सौ ग्यारह रुपए केवल) का एक आयात लाइसेंस सं. पी/सी. जी./2101294 दिनांक 20-12-92 मंजूर किया गया था।

फर्म ने उक्त लाइसेंस की सीमाशुल्क और विनियम नियंत्रण प्रयोजन प्रति इस आधार पर जारी करने के लिए आवेदन किया है कि लाइसेंस को मूल सीमाशुल्क और नियंत्रण प्रति खो गई है या गुम हो गई है। यह भी बताया गया है कि लाइसेंस की सीमाशुल्क और विनियम नियंत्रण प्रति को किसी सीमाशुल्क प्राधिकारी से पंजीकृत नहीं कराया गया था और इस प्रकार सीमाशुल्क प्रयोजन प्रति के मूल्य का विलकुल भी उपयोग नहीं किया गया है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक, बम्बई के समक्ष विधिपूर्वक शपथ लेकर स्टाम्प पेपर पर एक हलफनामा दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि लाइसेंस सं. पी.सी.जी./2101294 दिनांक 20-12-92 की मूल सीमाशुल्क प्रयोजन और विनियम नियंत्रण प्रति फर्म से खो गई है या गुम हो गई है। प्रथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 के उप खण्ड 9(गग) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पालीपालायन स्पिनर्स लि., इरोडो को जारी की गई उक्त मूल सीमाशुल्क और विनियम नियंत्रण प्रति एतद्द्वारा रद्द की जाती है।

3. पार्टी को उक्त लाइसेंस की दूसरी सीमाशुल्क और विनियम नियंत्रण प्रति अलग से जारी की जा रही है।

[फाइल सं. 18/ए.एम./93/1226/ई पी सीजी-3/582]

एम. डी. केम, उप महानिदेशक

MINISTRY OF COMMERCE

(Office of the Director General of Foreign Trade)

New Delhi, the 10th September, 1993

S.O. 2041.—M/s. Pallipalayam Spinners Ltd., Erode, were granted an import licence No. P/CG/2101294 dated 20-12-92, for Rs. 22,78,611 (Rupees twenty two lakhs seventy eight thousand six hundred & eleven only) for import of One No. Uustar Spindles System consisting model 630 Fibregraph 675 Micronair, controller 654 and balance 240.

The firm has applied for issue of Duplicate copy of Customs Exchange Control purpose copy of the above mentioned licence on the ground that the original Customs and Exchange Control copy of licence has been lost or misplaced. It has further been stated that the Customs and Exchange Control purposes copy of the licence was not registered with any customs authority and as such the value of customs purpose copy has not been utilised not at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Bombay, I am accordingly satisfied that the original Customs Purposes and Exchange Control purpose copy of import licence No. P/CG/2101294 dated 20-12-92, has been lost or misplaced by the firm. In exercise of the power, conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-55, as amended the said original Customs and Exchange issue of M/s. Pallipalayam Spinners Ltd., Erode, is hereby cancelled.

3. A duplicate Customs & Exchange Control purpose copy of the said licence is being issued to the party separately.

[F. No. 18/AM.93/1226/EPCG-III/582]

M. D. KEM, Dy. Director General

बाह्य मंत्रालय

नई दिल्ली, 19 अगस्त, 1993

का. आ. 2042.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, बाह्य मंत्रालय के अधीन निम्नलिखित कार्यालयों, जिनके कर्मचारिवृन्द ने

हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:—

- (1) भारतीय खाद्य निगम, क्षेत्रीय कार्यालय, पटना
- (2) भारतीय खाद्य निगम, जिला कार्यालय, पटना
- (3) भारतीय खाद्य निगम, जिला कार्यालय, छपरा
- (4) भारतीय खाद्य निगम, जिला कार्यालय, मुजफ्फरपुर
- (5) भारतीय खाद्य निगम, जिला कार्यालय, दरभंगा
- (6) भारतीय खाद्य निगम, जिला कार्यालय, समस्तीपुर
- (7) भारतीय खाद्य निगम, जिला कार्यालय, रांची
- (8) भारतीय खाद्य निगम, जिला कार्यालय, हजारीबाग।

[सं. ई-11017/10/89-हिन्दी]

भार. के. गंगर, निदेशक

# MINISTRY OF FOOD

New Delhi, the 19th August, 1993

S.O. 2042.—In pursuance of sub rule 4 of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of the Ministry of Food, the staff whereof have acquired the working knowledge of Hindi :—

1. Food Corporation of India, Regional Office, Patna.
2. Food Corporation of India, Distt. Office, Patna.
3. Food Corporation of India, Distt. Office, Chhapra.
4. Food Corporation of India, Distt. Office, Muzaffarpur.
5. Food Corporation of India, Distt. Office, Darbhanga.
6. Food Corporation of India, Distt. Office Samastipur.
7. Food Corporation of India, Distt. Office, Ranchi.
8. Food Corporation of India, Distt. Office, Hazaribagh.

[No. E-11017/10/89-Hindi]

R. K. GANGAR, Director


नागरिक पूर्ति, उपभोक्ता मामले और

सार्वजनिक वितरण मंत्रालय

भारतीय मानक ब्यूरो

नई दिल्ली, 3 सितम्बर, 1993

का०आ० 2043.—भारत के राजपत्र भाग 2, खंड (III), उपखंड (ii) में दिनांक 1988-04-02 को तत्कालीन नागरिक पूर्ति मंत्रालय (भारतीय मानक ब्यूरो) द्वारा प्रकाशित अधिसूचना का०आ० 1035 दिनांक 1988-02-22 को आंशिक रूप से परिवर्तित करते हुए भारतीय मानक ब्यूरो एन० द्वारा अधिसूचित करता है कि अनुसूची में दिए गए आईएस 4270-1992 को मानक-मुहर के डिजाइन में परिवर्तन किया गया:—

क्रम सं०	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं० और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1		नलरूप के लिए हस्तात के पाइप	आईएस : 4270-1992	1993-03-01

[संख्या के प्रवि 13 : 9]

एन० श्रीनिवासन, अपर महानिदेशक


## MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

### BUREAU OF INDIAN STANDARDS

New Delhi, the 3rd September, 1993

S.O. 2043. —In partial modification of the then Ministry of Food & Civil Supplies (Department of Civil Supplies) (Bureau of Indian Standards) notification number S.O. 1035 dated 1988-02-22 published in the Gazette of India, Part II, Section-3, Sub-section (ii) dated 1988-04-02, the Bureau of Indian Standards, hereby, notifies that the design of the Standard Mark for IS : 4270—1992 has been revised as given in the Schedule.

## THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of product	No. & Year of the Relevant Indian Standard	Date of effect
(1)	(2)	(3)	(4)	(5)
1.		Steel tubes used for water wells.	IS : 4270—1992	1993-03-01

[No. CMD/13 : 9]

N. SRINIVASAN, Addl. Director General

कोयला मंत्रालय

शुद्धि पत्र

नई दिल्ली, 7 सितम्बर, 1993

का.आ. 2044—भारत के राजपत्र असाधारण, तारीख 25 जनवरी, 1993 के भाग 2, खण्ड 3, उपखण्ड (ii) पृष्ठ क्रमांक 1 से 5 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना का.आ.सं. 70(अ) तारीख 25 जनवरी, 1993 में:—

पृष्ठ क्रमांक 3

ग्राम डोला (भाग) में अर्जित किये जाने वाले प्लाट/खसरा संख्यांक में—

“306 (भाग) “के स्थान पर” “806 (भाग)” पढ़ें

“769/1386 (भाग) “के स्थान पर” “769/366 (भाग)” पढ़ें

ग्राम चनवारी (भाग) में अर्जित किये जाने वाले प्लाट/खसरा संख्यांक में—

“210/501” के स्थान पर “201/501” पढ़ें।

[संख्या 43015/19/1990—एल.एस. डब्ल्यू.]

बी.बी. राव, अवसर सचिव

आदेश

नई दिल्ली, 7 सितम्बर, 1993

का.आ. 2045—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 1897, तारीख 26 जून, 1992 के भारत के राजपत्र, भाग 2, खंड 3, उपखंड 3(ii) तारीख 18 जुलाई, 1992 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में या उस पर खनिजों के खनन, खदान बोर करने, निष्कासन के लिये उनकी खुदाई करने और

तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लगनों से मुक्त होकर आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गये थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि नार्दन कोलफील्ड्स लिमिटेड, सिंगरौली (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये राजामंद है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि इस प्रकार निहित उक्त भूमि में या उस पर के अधिदान, तारीख 18 जुलाई, 1992 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त कंपनी में निहित हो जायेंगे, अर्थात्:—

(1) उक्त कंपनी, उक्त अधिनियम के उपबन्धों के अधीन तथा अवधारित प्रतिकर, व्याज, नुकसानी और बैसे ही मदों की बाबत किये गये सभी संदावों की केन्द्रीय सरकार को प्रति-पूति करेगी।

(2) उक्त कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये एक अधिकरण का गठन किया जायेगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिये नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिये या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील, आदि की बाबत उपगत सभी व्यय भी, उक्त कंपनी वहन करेगी।

(3) उक्त कंपनी, केन्द्रीय सरकार और/या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार और उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी।

(4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) उक्त कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिये जायें या अधिरोपित की जायें, पालन करेगी।

[सं. 43015/20/89-एल.एस. डब्ल्यू.]

बी.बी. राव, अवर सचिव

### ORDER

New Delhi, the 7th September, 1993

S.O. 2045.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal No. S.O. 1897, dated the 26th June, 1992 issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), published in the Gazette of India dated the 18th July, 1992 the land and rights in or over the lands as described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Northern Coalfields Limited, Singrauli (hereinafter referred to as the said Company) a Government company is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the land and rights in or over such lands so vested shall, with effect from the 18th July, 1992 instead of continuing to so vest in the Central Government vest in the said Company, subject to the following terms and conditions, namely :—

- (1) the said Company shall re-imburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under condition (1), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights in or over the said lands so vesting shall also be borne by the said Company;
- (3) the said Company shall indemnify the Central Government and its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government and or its officials regarding the rights in or over the said lands so vesting;

(4) the said Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government;

(5) the said Company shall abide by such directions or conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/20/89-LSW]

B. B. RAO, Under Secy.

### आदेश

नई दिल्ली, 6 सितम्बर, 1993

का.आ. 2046—कोयला धारक श्रेय (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय (कोयला विभाग) को अधिसूचना सं. का. आ. 773(अ), तारीख 8 नवम्बर, 1991 के भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (2) तारीख 8 नवम्बर, 1991 में प्रकाशित होने पर उक्त अधिसूचना से संलग्न अनसूची में वर्णित भूमि में या उस पर खनिजों के खनन, खदान, बोर करने, निष्कासन के लिये उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलयनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गये थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वैस्टर्न कोल्डफील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये राजांसद है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि में या उस पर के अधिकार, तारीख 8 नवम्बर, 1991 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जायेंगे, अर्थात् :—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबन्धों के अधीन अवधारित प्रतिकर, व्याज, नुकसानी और वैसी ही मदों को वास्तव किये गये सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी।
- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये एक अधिकरण का गठन किया जायेगा तथा ऐसे किसी अधिकरण



और ऐसे अधिकरण की सहायता के बिना नियुक्त व्यक्तियों के संबंध में उत्पन्न सभी व्यय, उक्त सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर 1 अधिकारों के बिना या उनके संबंध में सभी निम्न कार्यवाहियों, जैसे अनील, आदि की वास्तव उत्पन्न सभी व्यय भी, सरकारी कंपनी वहन करेगी।

(3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पर-अधिकारों को, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हों, अनिवार्य करेगी।

(4) सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हों, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिये जायें या अधिरोपित की जायें, मान्य करेगी।

[सं. 43015/9/87-सी.ए. (एल.एस. डब्ल्यू)]

बी.बी. राव, अवर सचिव

#### ORDER

New Delhi, the 6th September, 1993

S.O. 2046.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 773(E) dated the 8th November, 1991 in the Gazette of India Extraordinary, Part-II, Section 3, Sub-section (ii) dated the 8th November, 1991, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the rights to mine, quarry, bore, dig

and search for, win work and carry away minerals in the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the aforesaid rights in the said lands, so vested shall, with effect from the 8th November, 1991, instead of continuing to so vest in the Central Government, vest in the Government company, subject to the following terms and conditions namely :—

1. the Government company shall reimburse Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals etc., for or in connection with the rights in the said lands, so vesting shall also be borne by the Government company.
3. the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings, by or against the Central Government or its officials, regarding the rights in the said lands so vesting;
4. the Government company shall have no power to transfer the rights in the said lands so vested to any other persons without the previous approval of the Central Government; and
5. the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/9/87-CA/LSW]

B. B. RAO, Under Secy.

#### (कोयला विभाग)

नई दिल्ली, 8 सितम्बर, 1993

कां०प्र० 2047 :—केन्द्रीय सरकार के कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 के अन्तर्गत (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 18 जुलाई, 1992 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना कां०प्रा०सं० तारीख 16 जून, 1992 द्वारा उस अधिसूचना में संलग्न अनुसूची में चिनिदिष्ट परिक्षेत्र की भूमि में जिसका माप 840.00 एकड़ (लगभग) या 339.93 हेक्टर (लगभग) है, कोयले के पर्वक्षण करने के अपने प्राप्ति की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि में कोयला अभिप्राप्त है।

अतः, अब केन्द्रीय सरकार, कोयलाधारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उससे संलग्न अनुसूची में विहित 840.00 एकड़ (लगभग) या 339.93 हेक्टर (लगभग) माप की भूमि अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1 : इस अधिनियम के अन्तर्गत आने वाले क्षेत्र के रेडॉक सं० राजस्व/49/92 तारीख 26 दिसम्बर, 1992 का निरीक्षण उपायुक्त, हजारीबाग के कार्यालय में या कोयला नियंत्रक, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या सेन्ट्रल कोल फील्ड्स लिमिटेड (राजस्व अनुभाग) दरभंगा हाउस, रांची (बिहार) के कार्यालय में किया जा सकता है।

टिप्पण 2 : कोयलाधारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं :—

8. अर्जन के प्रति आशय :—

(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किसी अधिभारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्खनन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्ति-कर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाहियों के अभिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोगों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिहार में हित का दावा करने का हक्कदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जन कर लिए जाते हैं।

टिप्पण : 3 केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

### अनुसूची

केदला उत्तर और झारखंड कोयला खा

(पश्चिम बोकारो कोलफील्ड)

रेडॉकन सं० राजस्व/49/92

तारीख 26-12-19-92

(अर्जन की जाने वाली भूमि को दर्शाते हुए)

सभी अधिकार

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र एकड़ में	क्षेत्र हेक्टर में	टिप्पण
1.	केदला	मांडु	160	हजारीबाग	479.49	194.04	भाग
2.	नोइयो	मांडु	162	हजारीबाग	360.51	145.89	भाग

कुल क्षेत्र 840.00 एकड़ (लगभग)

या

339.00 हेक्टर (लगभग)।

ग्राम केदला में अर्जित किए जाने वाले प्लॉट सं०

367 (भाग), 369 (भाग), 371 (भाग), 410, 411 (भाग), 412, 413, 414, 415 (भाग), 416, 417, 418, 419 (भाग), 421 (भाग), 422 (भाग), 423 (भाग), 477 (भाग), 478 (भाग), 479, 480, 481, 482, 483 (भाग), 484, 485 (भाग), 487 (भाग), 488 (भाग), 489 से 497, 493 (भाग), 506 (भाग), 507, 508 (भाग), 509, 510 (भाग), 513 (भाग), 514, 515, 516 (भाग) 518 (भाग), 519 (भाग), 524 (भाग), 525 (भाग)\*, 597 (भाग), 598 (भाग), 599, 600, 601 (भाग), 602 से 619, 620 (भाग), 621 से 733, 741 (भाग), 792 (लगभग), 793, 794, 795 (भाग), 796 से 800, 801 (भाग), 803 (भाग), 804 से 809, 810 (भाग), 811 से 1195, 1196 (भाग), 1197, 1198, 1199 (भाग), 1208, 1209 और 1214।

ग्राम लोहियों में अर्जित किए जाने वाले प्लॉट सं०

1855 (भाग), 1856, 1857, (भाग), 1858 (भाग), 1859 (भाग), 1860 से 1888, 1889 (भाग), 1891 से 1901, 1902 (भाग), 1903 से 1909, 1910 (भाग), 1911 (भाग), 1912 (भाग), 2048 (भाग), 2049 से 2120 (भाग), 2121 से 2130, 2131 (भाग), 2509 (भाग), 2524 (भाग), 3447 और 3462 (भाग)।

सीमा वर्णन

- क—ख रेखा ग्राम केदला में प्लॉट सं० 795, 792, 801, 803, 810, 741, 715, 741, 411, 741, 367 और 371 से गुजरती है और "ख" बिन्दु पर मिलती है।
- क—ग, घ—ङ, च—छ : रेखा ग्राम केदला में प्लॉट सं० 369, 371, 419, 421, 422, 423, 525, 524, 526, 510, 518, 516, 513, 510, 506, 498, 487, 488, 485, 483, 478, 371 और 477 से गुजरती है और "छ" बिन्दु पर मिलती है।
- छ—ज : रेखा ग्राम केदला में प्लॉट सं० 477, 371, 590, 589, 590, 598, 597, 371, 601, 595, 594, 620, 1199, 1196 और 1199 से होकर गुजरती है और "ज" बिन्दु पर मिलती है।
- \*526 (भाग), 527 से 588, 589 (भाग), 590 (भाग), 594 (भाग), 595 (भाग)।
- ज—झ : रेखा ग्राम लोहियों में प्लॉट सं० 2120, 2131, 1902, 2509, 1889, 2509, 2524, 1859 और 3463 से गुजरती है और 'झ' बिन्दु पर मिलती है।
- झ—ञ रेखा ग्राम लोहियों में प्लॉट सं० 3462 की पश्चिमी सीमा से होकर गुजरती है उसके पश्चात् प्लॉट सं० 1758, 1855, 1910, 1911, 1912 और 2048 से जो लोहियों ब्लॉक विस्तार की सम्मिलित सीमा बनाती है जो कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9(1) के अधीन अर्जन किया गया है गुजरती है और "ञ" बिन्दु पर मिलती है।
- ञ—ट—ठ : रेखा चुटुआ नदी की दक्षिणी सीमा के साथ-साथ चलती है जो छुट्टाग ब्लॉक की सम्मिलित सीमा बनाती है जिसका कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9(1) के अधीन अर्जन किया गया है।
- ठ—ड—ढ : रेखा ग्राम लोहियों और इचाकडीह ग्राम, केदला और इचाकडीह की सम्मिलित सीमा के भाग से गुजरती है जो परोज ब्लॉक विस्तार की सम्मिलित सीमा बनाती है जिसका कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9(1) के अधीन अर्जन किया गया और "ढ" बिन्दु पर मिलती है।
- ढ—क : रेखा ग्राम केदला और इचाकडीह की सम्मिलित सीमा के भाग से गुजरती है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं० 43015/10/91 एन०एस० डब्ल्यू०]

बी०बी० राव, अवसर सचिव

(Department of Coal)  
New Delhi, the 8th September, 1993

S.O. 2047.—Whereas by the notification of the Government of India in the Ministry of Coal, number S.O. 1894, dated the 16th June, 1992, published in the Gazette of India Part II, Section 3, sub-section (ii) dated the 18th July, 1992, under sub-section (i) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in 840.00 acres (approximately) or 339.93 hectares (approximately) of the land in the locality specified in the Schedule appended to that notification;

And whereas the Central Government is satisfied that coal is obtainable in the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the Coal Bearing Areas Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to acquire the said lands measuring 840.00 acres (approximately) or 339.93 hectares (approximately) described in the Schedule appended hereto:

Note 1. The Plan bearing Drawing No. Rev./49/92 dated the 26th December, 1992 of the area covered by this notice.

cation may be inspected in the Office of the Deputy Commissioner, Hazaribagh or in the office of the Coal Controller, 1, Council House Street, Calcutta-1, or in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

Note 2. Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), which provides as follows:—

Objection to acquisition :

8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may within thirty days of the issue of the notification object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such and or of rights in or over such land to the Central Government containing his recommendations on the objections together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note 3.—The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act.

### SCHEDULE

#### Kedla North and Jharkhand Colliery

(West Bokaro Coalfield)

Drawing No. Rev/49/92

dated 26-12-1992

(Showing land to be acquired)

All Rights

Serial No.	Village	Thana	Thana No.	District	Area in acres	Area in hectares	Remarks
1	2	3	4	5	6	7	8
1.	Kedla	Mandu	160	Hazaribagh	479.49	194.04	part
2.	Loiyo	Mandu	162	Hazaribagh	360.51	145.89	part

Total area :—840.00 acres (approximately)  
or 339.93 hectares (approximately)

Plot numbers to be acquired in village Kedla:— 367 (part), 369 (part), 371(part), 410, 411 (part) , 412, 413, 414, 415 (part), 416, 417, 418, 419 (part), 421 (part), 422 (part), 423 (part), 477 (part), 478(part), 479, 480, 481, 482, 483(part), 484, 485(part), 487 (part), 488 (part), 489 to 497, 498 (part), 506 (part), 507, 508, (part), 524 (part), 525 (part), 526 (part), 527 to 588, 589 (part), 590 (part), 594 (part), 595 (part), 597(part), 598 (part), 599, 600, 601 (part), 602 to 619, 620 (part) 621 to 733, 74 (part), 792 (part), 793, 794, 795(part), 796 to 800, 801 (part), 803 (part), 804 to 809, 810(part) 811 to 1195, 1196(part), 1197, 1198, 1199(part), 1208, 1209 and 1214.

Plot numbers to be acquired in village Loiyo:— 1855(part), 1856, 1857(part), 1858(part), 1859(part), 1860 to 1888, 1889(part), 1891 to 1901, 1902(part), 1903 to 1909, 1910(part), 1911 (part), 1912(part), 2048(part), 2049 to 2119, 2120 (part), 2121 to 2130, 2131(part), 2509(part), 2524 (part), 3447 and 3462(part).

Boundary description:—

- A—B line passes through plot numbers 795, 792, 801, 803, 810, 741, 415, 741, 411, 741, 367 and 371 in village Kedla and meets at point 'B'.
- B—C—D— line passes through plot numbers 369, 371, 419, 421, 422, 423, 525, 524, 526, 519, 518, 516, 513, 510,
- E—F—G— 510, 506, 498, 487, 488, 485, 483, 478, 371 and 477 in village Kedla and meet at point 'G'
- G—H Line passes through plot numbers 477, 371, 500, 589, 590, 598, 597, 371, 601, 595, 594, 620, 1199, 1196 and 1199 in village Kedla and meets a point 'H'.
- H—I Line passes through plot numbers 2120, 2131, 1902, 2509, 1889, 2509, 2524, 1859 and 3462 in village Loiyo and meets at point 'I'.

- I—J Line passes along the western boundary of plot number 3462 then through plot numbers 1858, 1857, 1855, 1910, 1911, 1912 and 2048 in village Loiyo which forms common boundary with Loiyo Block Extension acquired under section 9(1) of the Coal Bearing Areas [(Acquisition and Development) Act, 1957] and meets at point 'J'.
- J—K—L line passes along the southern boundary of Chutua Nadi which forms common boundary with Hurdag Block acquired under section 9(1) of the Coal Bearing Areas [(Acquisition and Development) Act, 1957] and meets at point 'L'.
- L—M—N line passes along the part common boundary of villages Loiyo and Ichakdih, Kedla and Ichakdih (which forms common boundary with Parej Block Extension acquired under section 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957] and meets at point 'N'.
- N—A line passes along the part common boundary of villages Kedla and Ichakdih and meets at starting point 'A'.

[No. 43015/10/92-LSW]

B.B. RAO, Under Secy.

## मानव संसाधन विकास मंत्रालय

## (महिला एवं बाल विकास विभाग)

पूर्त विन्यास अधिनियम, 1890 (1890 का 6) के मामले में

राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 10 सितम्बर, 1993

कां०आ० 2048:—राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड द्वारा किए आवेदन पर और उनकी सहमति से पूर्त विन्यास अधिनियम 1890 (1890 का 6) के खण्ड 10(2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा आदेश देती है कि नीचे दिए गए व्यौरे के अनुसार रु० 68,19,385- (रु० छयासठ लाख उन्नीस हजार तीन सौ पचासी मात्र) (रु० 70,00,000 छूट कीमत की राशि) स्टेट बैंक आफ पटियाला, सूर्या नगर शाखा, गाजियाबाद में 6 महीनों के लिए सर्टिफिकेट ऑफ डिपॉजिट योजना के अन्तर्गत 11.5% की ब्याज दर से 28-2-93 को पुनः निवेश की गई:

क्रम सं०	राशि	बिछने निवेश की तारीख	भुगतान की तारीख	अभियुक्तियां
1.	रु० 50,00,000	28-05-93	28-08-93	
2.	रु० 5,00,000	18-06-93	27-08-93	
3.	रु० 10,00,000	09-07-93	27-08-93	
4.	रु० 1,19,38 5			राष्ट्री बाल कोष को उपलब्ध बकाया राशि में से

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित सां०आ० 120(ई) की अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्त विन्यास के खजांची के नाम होगा।

[सं० 13-4/93-टी०आर० II]

भुरजीत खाल, अवर सचिव

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Women &amp; Child Development)

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT 1890  
(6 of 1890)

IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI

New Delhi, the 10th September, 1993

S.O. No. 3043 :—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi and in exercise of the powers conferred by Section 10(2) of the Charitable Endowments Act 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 66,19,385/- (Rupees Sixty six lakh nineteen thousand three hundred and eightyfive only) (discounted value of Rs. 70,00,000/-)(Rupees Seventy lakh only) as per particulars given below be re-invested in Certificate of Deposit Scheme for 6 months in the State Bank of Patiala, Survy Nagar Branch, Ghaziabad at the rate of interest 11.5% per annum w.e.f. 28-8-93.

Sl. No.	Amount	Date of previous Investment	Date of Maturity	Remarks
1	2	3	4	5
1.	Rs. 50,00,000/-	28-05-93	28-08-93	
2.	Rs. 5,00,000/-	18-06-93	27-08-93	
3.	Rs. 10,00,000/-	09-07-93	27-08-93	
4.	Rs. 1,19,385/-			from cash balance of NCF.

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.C. 120 (E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13—4/93-TR-II]  
SURJIT LAL, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय  
नई दिल्ली 13 सितम्बर, 1993

कां०भा० 2048 :—यस: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन ई ओ से इपीएस एवं डब्ल्यू आई एच II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी माहनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अथवा आशय एतद्द्वारा घोषित किया है।

अतः कि उक्त भूमि में दिये गये कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सहाय प्राधिकारी, तेल तथा प्राकृतिक

गैस आयोग, निर्माण और देखभाल प्रभाग, मकसुरा रोड, बडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति निर्निश्चित: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी गुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूचि

जीएनईओ से इपीएस एवं डब्ल्यू आई एच-II तक पाईप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : धागरा		
गांव	कतार नं०	हे०	धार०	फेन्टी
गंधार	322	1	47	68

[सं० O-12016/88/93-ओ एन जी-डी-IV]  
एम० माटिन, डैस्क अधिकारी

## MINISTRY OF PETROLEUM &amp; NATURAL GAS

New Delhi, the 13th September, 1993

S.O. 2049.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNEO to EPS & WIH II in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objections shall also state specifically whether he wished to be heard in person or by a legal practitioner.

## SCHEDULE

Pipeline from GNEO to EPS &amp; WIH-II

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Acre	Centi-are
Gandhar	322	1	47	68

[No. O-12016/89/93-ONG-D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 13 सितम्बर, 1993

का०भा० 2050:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनटीआई से जी जी एम IV तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी ज़मीन को बिछाने के प्रयोजन के लिए एनट्राबल अनुसूच में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण आर देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिपूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी गुंतवारी व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

जीएनटीआई से जीजीएम IV तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात

जिला : धारुच

तहसील : वाग्रा

गाँव	ब्लॉक नं०	हे	अरब०	सेन्टी
	30/P	0	23	03
	18/A	0	12	48
	18/B	0	10	40
	16/B	0	25	48
	12	0	13	00
	11	0	09	36

[सं० अं०-12016/89/93 ओ एन जी-सी IV]

एन० मार्टिन, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2050.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNBI to GGS IV in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objections shall also state specifically whether he wished to be heard in person or by a legal practitioner.

## SCHEDULE

Pipe line from GNBI to GGS-IV

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Acre	Centi-are
Narnavi	30/P	0	23	03
	18/A	0	12	48
	18/B	0	10	40
	16/B	0	25	48
	12	0	13	00
	11	0	09	36

[No. O-12016/89/93-ONG-D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 13 सितम्बर, 1993

का०भा० 2051:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनटीआई से जीजीएम एवं डबल्यू आई एम II तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी ज़ाहनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब एतद्पावद्ध और अर्जित पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की (1) उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि से हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी बताना करेगा कि क्या यह वह बात है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन ड्यु से डीएन एवं डब्ल्यू आई एच-11 का पाइपलाइन विकास के लिए।

राज्य :	जिला :	तालुका :				
गुजरात	भरुच	वग्रा				
गांव	ब्लॉक सं०	हे	घार	सेन्टी		
चान्चेल	285	0	67	40		

(सं० ओ-12016/90/93/ओ एन जी-डी IV)

एम० मार्टिन, बैरक अधिकारी

New Delhi, the 13th September, 1993

S.O. 2051.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNEU to EPS & WIH II in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wished to be heard in person or by a legal practitioner.

#### SCHEDULE

Pipeline from GNEU to EPS & WIH-II

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Acre	Centi-are
Chanchel	285	0	67	40

[No.O-12016/90/93-ONG D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 13 सितम्बर, 1993

कां०ओ०2052.—अतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनड्यु से डीएन एवं डब्ल्यू आई एच II तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी ज़ाहनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और अर्जित पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि से हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी बताना करेगा कि क्या यह वह बात है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जीएनड्यु से डीएन एवं डब्ल्यू आई एच II तक पाइपलाइन विकास के लिए।

राज्य :	जिला :	तालुका :				
गुजरात	भरुच	ग्रामोद				
गांव	ब्लॉक सं०	हे	घार	सेन्टी		
देणवा	458	0	67	64		
	459	2	54	80		

[सं० ओ-12016/91/93 ओ एन जी-डी II]

एम० मार्टिन, डैस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2052.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNEU to EPS & WIH II in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.



And every person making such an objections shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

Pipeline from GNEO to EPS &amp; WIH-II

State : Gujarat District : Bharuch Taluka : Anod

Village	Block No.	Hectare	Are	Centi-are
Denwa	458	0	68	64
	459	2	54	80

[No. O-12016/91/93-ONGD-IV]  
M. MARTIN, Desk Officer.

नई दिल्ली, 13 सितम्बर, 1993

का० धा० 2053:—यह : केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनएचयू से इपीएम एवं उच्चयु आईएच-II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार प्रजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार प्रजित करने का अपना आशय एतद्वारा घोषित किया है।

यह कि उक्त भूमि में हितवन्त कोई व्यक्ति उसभूमि के लिये पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडीवा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

यह से इपीएम एवं उच्चयु आईएच-II तक पाईप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : आनोद			
गांव	ब्लॉक नं०	है०	आर०	सेन्टी०	
गंधार	322	1	47	48	

[सं० C-12016/92/93-ओ एन जी सी-IV]

एम० मार्टिन, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2053:—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNEU to EPS & WIH-II in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

2074 GI/93-4

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

Pipeline from GNEU to EPS &amp; WIH-II

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centi-are
Gandhar	322	01	47	48

[No. O-12016/92/93-ONGD-IV]  
M. MARTIN, Desk Officer.

नई दिल्ली, 13 सितम्बर, 1993

का० धा० 2054:—यह : केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनएचयू से जीएनएचसी तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार प्रजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार प्रजित करने का अपना आशय एतद्वारा घोषित किया है।

यह कि उक्त भूमि में हितवन्त कोई व्यक्ति, उक्त भूमि के लिये पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडीवा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

जीएनएच — से जीएनएचसी तक पाईप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वागदा			
गांव	ब्लॉक नं०	है०	आर०	सेन्टी०	
1	2	3	4	5	
गंधार	321	0	59	52	

[सं० C-12016/93/93 ओ एन जी सी IV]

एम० मार्टिन, डेस्क अधिकारी

New Delhi, the 13th September, 1993

धनुसूची

S.O. 2054.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNHC to GNHD in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

Pipeline from GNHC to GNHD.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare Aro	Centi-are
Gandhar	321	0	36 52

[No. O-12016/93/93-ONG-D. IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 13 सितम्बर, 1993

का० प्रा० 2055:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनएचसी से ईपीएस तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपराध धनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उनमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बतर्त कि उक्त भूमि में हितवद् कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम अधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति निम्नलिखित: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

जीएनएचसी से ईपीएस तक तेल तथा प्राकृतिक गैस बिछाने के लिए।

राज्य :	जिला :	तालुका :	गांव	ब्लाक नं०	हे०	घार०	सेन्टी०
गुजरात	भरुच	वाग्र	गंधार	319	0	13	72
				320	1	16	48
				321	1	61	20
				322	0	74	76

[सं० O-12016/94/93 ओ एनजी सी IV]

एम० मार्टिन, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2055.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNHT to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

Pipeline from GNHT to EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare Aro	Centi-
Gandhar	319	0	18 72
	320	1	16 48
	321	1	61 20
	322	0	74 76

[No. O-12016/94/93-ONGD-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 13 सितम्बर, 1993

का० प्रा० 2056:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनएचसी से ईपीएस एवं इक्व्यू ग्राई एच-II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपराध धनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

बताने कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तैरा तथा प्राकृतिक गैस आयोग, मिट्टी और गैसभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्ट : यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

जीएसटी से एपीएस एवं डबल्यू आईएस II तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वागडा		
गाँव	ब्लाक सं०	हे०	भार०	सेन्टी०
भाचबेल	285	0	67	60

[सं० जी-12016/95/93-ओ एन जी-सी IV]

एम० मार्टिन, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2656.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNED to EPS & WIH II in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

Pipeline from GNED to EPS & WIH-II

State : Gujarat	District : Bharuch	Taluka : Vagra		
Village	Block No.	Hectare	Aro	Centi-are
Chanchwel	285	0	67	60

[No. O-12016/95/93-ONGD-IV]  
M. MARTIN, Desk Officer

#### स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 15 सितम्बर, 1993

का.आ. 2057.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1986 के नियम 10 के उप-नियम (4) के अनुसरण में स्वास्थ्य और परिवार कल्याण मंत्रालय के नियंत्रणाधीन कार्यालय को, जिसके 80% अधिक कर्मचारियों ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

“राष्ट्रीय आयुर्वेद विद्यापीठ, नई दिल्ली”

[संख्या ई-11012/8/93-रा.भा. कार्या.]

पवन चोपड़ा, संयुक्त सचिव

#### MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 15th September, 1993

S.O. 2057.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office under the Ministry of Health & Family Welfare, 80 per cent staff whereof have acquired a working knowledge of Hindi :—

‘Rashtriya Ayurveda Vidyapeeth, New Delhi’

[No. E. 11012/8/93-OLI]

PAWAN CHOPRA, Jt. Secy.

#### राष्ट्रीय विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 2 सितम्बर, 1993

का.आ. 2058—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 3 की उपधारा (3) के खण्ड (छ) के साथ पठित उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार डा. पी.एस.ए. सुन्दरम और श्री दीपक पारिख के स्थान पर क्रमशः श्री आर.वी. पिल्लै और साथ ही पिल्लै के विकल्प स्वरूप श्री ए.पी. सिन्हा को तथा श्री के.के. भटनागर को दिल्ली विकास प्राधिकरण का सदस्य नामित करती है, तथा भारत सरकार, स्वास्थ्य मंत्रालय की दिनांक 30-12-1957 की अधिसूचना सं. 12-173 57-एल.एस.जी. में निम्नलिखित संशोधन करती है, यथा

1. मद सं. 9 में डा. पी.एस.ए. सुन्दरम, संयुक्त सचिव के स्थान पर श्री आर.वी. पिल्लै, अपर सचिव और साथ में श्री पिल्लै के विकल्प स्वरूप श्री ए.पी. सिन्हा, संयुक्त सचिव पढ़ा जाए।

2. मद सं. 10 में श्री दीपक पारिख के स्थान पर श्री के.के. भटनागर, अध्यक्ष व प्रबन्ध निदेशक, भावास तथा नगर विकास निगम पड़ा जाए।

[सं. के-11011/22/78-डीडीआई (खण्ड-II)]  
श्री. बन्नर्जी, निदेशक (वि.प्र.)

MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 2nd September, 1993

S.O. 2058.—In exercise of the powers conferred by sub-section (1), read with clause (g) of sub-section (3) of Section 3 of the Delhi Development Act, 1957 (61 of 1957), the Central Government hereby nominates S/Shri R.V. Pillai with Shri A.P. Sinha as alternate to Shri Pillai and K. K. Bhatnagar as Members of Delhi Development Authority vice Dr. P.S.A. Sundaram and Shri Deepak Parekh respectively and makes the following amendments in the notification of the Government of India, Ministry of Health No. 12-173/57-LSG, dated 30-12-1957, namely:—

(i) In item No. 9 for Dr. P.S.A. Sundaram, Joint Secretary read Shri R. V. Pillai, Addl. Secretary with Shri A. P. Sinha, Joint Secretary as alternate to Shri Pillai.

(ii) In item No. 10 for Shri Deepak Parekh read Shri K.K. Bhatnagar, Chairman & Managing Director, Housing and Urban Development Corporation.

[No. K-11011/22/78-DDIA(Vol.II)]

R. BANNERJI, Director (DD)

अम संज्ञासय

नई दिल्ली, 3 सितम्बर, 1993

का.मा. 2059—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी एल के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-93 को प्राप्त हुआ था।

[संख्या एल-21012/100/86-डी-III(बी)]

राजा लाल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 3rd September, 1993

S.O. 2059.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure to the Industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 2-9-93.

[No. L-12012/100/86-D.III(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y Venkatachalam, M.A.,B.L.,  
Industrial Tribunal-I

Dated 31st day of July, 1993

Industrial Dispute No. 26 of 1987

BETWEEN :

The workmen of MM & SMG Group of Mines,  
M/s. S.C. Co. Ltd., Post : Kalyani Khani,  
District Adilabad (A.P.)

Petitioner

AND

The Management of MM & SMG Group of  
Mines, M/s. S.C. Co. Ltd., Kalyani Khani,  
District Adilabad

Respondent

APPEARANCES :

Sri B. Ganga Ram, Chief Vice President, Singareni Collieries Workers Union for the Petitioner-Workmen.

M/s. K. Srinivasa Murthy, G. Sudha and V. Usha Rani,  
Advocates for the Respondent-Management.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-21012/100/86-D.III(B) dt. 5-6-1987 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of M.M. & SMG Group of Mines M/s. Singareni Collieries Company Limited, P.O. Kalyani Khani, Distt. Adilabad (A.P.) and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., MM & SMG Group of Mines, P.O. Kalyani Khani, Distt. Adilabad (A.P.) in dismissing from service Sri Kondra Laxmaiah, Coal filler, Somagudem No. 3 Incline w.e.f. 24-7-85 is justified ? If not, to what relief the concerned workmen is entitled ?"

This reference was registered as Industrial Dispute No. 26 of 1987 and notices were served to the parties.

The brief contents of The claim statement filed by the Petitioner-workmen is read as follows : Sri Kondra Laxmaiah has been working as Coal filler in Somagundam No. 3 Incline. He was charged sheeted under Standing Orders, Clause No. 16(1), 16(9) and 16(19). It is alleged that he participated and organised illegal strike. The workman gave his explanation that on 8th October, 1984 while he was on duty he was beaten by Sri Yadagiri Coal Filler and his cap lamp was damaged. In spite of complaint made by Sri Kondra Laxmaiah to the Colliery Manager that management should take action on Sri Yadagiri, the management did not take any action on Yadagiri even today and Sri Kondra Laxmaiah who is the victim in the incident and who was beaten while on duty, was only charge sheeted and dismissed w.e.f. 24-7-1985. The workman stated in his explanation that on 9th October, 1984 in the 2nd shift all the coal fillers of that shift demanded that Sri Yadagiri should apologise to K. Laxmaiah but Yadagiri refused to apologise and brought some outside goondas to threaten the workers. Due to this the shift coal fillers were provoked and emphatically demanded for apology from Yadagiri, otherwise there is no safety for the workers. Due to this the shift fillers did not go down the mine. The charge sheeted workman was ready to go down the mine but all other coalfillers stopped him from going down the mine. Sri K. Laxmaiah did not organise the strike as was alleged by the management. Instead of taking action on the real culprit Yadagiri only the victim K. Laxmaiah was charge sheeted and in a hasty enquiry of 12 days, the victim workman K. Laxmaiah was dismissed and thus the management resorted to discriminative and drastic action of dismissal on K. Laxmaiah. The Management has violated the principles of natural justice and a hasty enquiry was conducted and the workman was not given full and fair opportunity to defend his case. The findings of the enquiry officer are perverse since the charges are not proved in the domestic enquiry. In the enquiry it was proved that the workman K. Laxmaiah did not organise the illegal strike on 9-10-1984 and when he was

going down the mine with basket and shovel, he was stopped by an official and coal miners and he was abused by them. In such situation Kondra Laxmaiah could not go down the mine and stayed on the surface along with an official coal miners. The Enquiry Officer has committed serious mistakes in the enquiry adversely. In the domestic enquiry papers it is shown that on 3-11-1984 at 4.30 P.M. Sri M.S.N. Sharma Asstt. Manager of Somagundam No. 3 Incline has deposed evidence. As a matter of fact, he never attended the enquiry but his statement was recorded behind the back of the charge sheet, the workman and during the enquiry it was inserted in the enquiry file and the signature of workman taken on that paper also along with others. This is nothing but malpractice on the part of the enquiry officer. The Enquiry Officer wrote the enquiry proceedings in English but he did not translate it into Telugu to K. Laxmaiah but only took signature on papers. Sri K. Lingaiah, Under Manager has acted as the prosecutor on behalf of the Management and also deposed his evidence in this case as M.W.1 Thus the enquiry is biased and vitiated. There is no name and designation of the management representative was written by the Enquiry Officer in the enquiry proceedings held on 4-11-1984. The place and time of enquiry was also not mentioned that where and at what time the statement of the management representative was recorded. Thus everything is quite vague. The Management did not mention the names of the witnesses in the charge sheet and later on prepared bogus witnesses. It is against the principles of natural justice. I am citing a case law in Central Railway v. Raghubir Sharma (1983)(III) LLJ, page 26 Allahabad High Court, hereinafter :—

“The omission to mention evidence in the charge sheet is contrary to the principles of natural justice.”

In the charge sheet, it is mentioned that Sri K. Laxmaiah will be dismissed from service of the company; it is clear that management first came to decision to dismiss the workman and then prepared the whole record in that matter. I am quoting two case laws hereunder :

- (1) “Mention in charge sheet of proposed punishment indicates that whether charge is already held to be proved and therefore the proposed enquiry is only an idle formality”. (1987 (I) LLN page 255).
- (2) “Charge sheet calling upon delinquent employee to show cause why he should not be punished with removal from service or any other lesser punishment indication of fact that the authority had framed an opinion against the employee on subject matter of charge. Disciplinary authority should not prejudice guilt of delinquent before enquiry stated.” (1986-I LLM page 765 High Court Calcutta”)

It is submitted that the action of the management in dismissing Sri K. Laxmaiah is illegal and wrongful since the existing standing orders of the company have become outmoded and to not apply to the charge sheeted workman. As per the clause 2(A) of the existing standing orders of the Company it applies to those persons who are getting Rs. 300.00 as monthly basic. In Singareni Collieries the minimum basic of any worker is not less than Rs. 800.00 per month. Hence as per these standing orders the management's action on Sri K. Laxmaiah is illegal and against the company's Standing Orders since his basic wages were above Rs. 800.00 per month when he was dismissed from the service of the company. The Management failed to supply the workman with the copy of the statement made by the complainant on the facts of which investigation started. In such cases, the dismissal orders were quashed. Case Law, 1968—LLJ page 45 Allahabad High Court. The Management also violated the clause 20(C) of the Standing Orders, in which it is stated that the previous record of the workman should be taken into account. In the dismissal order it is stated that the management has gone through his past record and found that there are no extenuating circumstances warranting any lenient view being taken against him. It seems that the management has made this as a mere formality. The past record of the workman is clean and without any bad remarks but the management did not apply its mind towards his past record. Here I am citing one case law. “Full particulars of past record of service that were taken into consideration by the management should be given. Mere finding that misconduct was grave and serious, will not justify dismissal irrespective of whatever be the past record.”

1984-II LLN page 608 High Court, Madras. From the above said, it is clear that the action of the management in dismissing Kondra Laxmaiah w.e.f. 24-7-1984 from the service of the company is wrongful and unjustified and hence he should be reinstated with back wages.

3. The brief contents of the counter filed by the Respondent-Management read as follows.—At the outset this Respondent denied the various allegations made in the claim statement, except those which are specifically admitted herein and the Petitioner is put to strict proof of the same. With reference to para No. 2(a) it is true that the Respondent took disciplinary action against the workman in dispute and passed the dismissal order dt. 24-7-1985. As I.D. No. 56 of 1984 is pending, the Management has filed application under Section 33(2)(b) for approval of the Management's action and the said application was numbered as M.P. No. 255 of 1985 and the action of the Respondent-Management was approved. With reference to para 2(b) the allegation that the work and in dispute did not receive any notice from the Hon'ble Tribunal is totally false. The record of M.P. No. 255 of 1985 and the docket sheet clearly give the material facts. A false allegation has been made in this para only to raise this dispute. The application filed by the Petitioner under Section 33(a) was not maintainable. As such this Hon'ble Tribunal replied the same to the workman. With reference to para 2(c) it is submitted that the Petitioner is not interested in the job. The petitioner has not diligently prosecuted his matter and kept quiet and conveniently, he has chosen to file this application. Now this petitioner raised a fresh dispute which was numbered by this Hon'ble Tribunal as I.D. No. 26 of 1987. The petitioner is full aware that the management has initiated disciplinary action against the workman in dispute, and he wants to avoid it on one ground or other. The domestic enquiry file is only one file, which the Management has already supplied to the workman. Whatever papers were asked by this petitioner, the same have been furnished by the Management. While he was working at Somagundam No. 3 Incline on 9-10-1984 in the beginning of the II shift, he instigated and participated in the illegal strike and demanded public apology from K. Yadagiri, Coal Filler on the alleged ground that K. Yadagiri beat him and damaged his cap lamp on 8-10-1984. Because of his organising the illegal strike, there was loss of production and earnings of coal fillers. The workman in dispute has chosen to go on strike which resulted in the Respondent issuing the charge sheet on 21-10-1984. The workman in dispute submitted his explanation on 27-10-84. Not satisfied with the explanation the Management conducted domestic enquiry. Full and fair opportunity was given to the workman. The Enquiry Officer has forwarded his findings. Basing upon the findings, the enquiry proceeding and also the past record, the disciplinary authority passed the dismissal order on 24-7-1985. With reference to paras 6 to 8 it is submitted that even if there is any inter se dispute between K. Yadagiri and K. Lakshmaiah, the Management has nothing to do with it. The Respondent-Management has no knowledge as to what has happened between K. Yadagiri and the workman in dispute. If at all there are any dispute between K. Yadagiri and the workman in dispute, he would have taken legal action against K. Yadagiri or bring to the notice of the Respondent. The allegation that the charge sheeted workman was ready to go down the mine, but all other coal fillers stopped him from going down the mine is totally false. Further allegation that the alleged strike was not organised by K. Laxmaiah is not correct. With reference to paras 14 to 18, it is respectfully submitted that the case laws cited in these paras i.e. 1982-II LLJ, 1987- II J.N. 1985 I LLN 1968-I LLJ and 1984-II LLN are not applicable to the case of the petitioner and the materials facts of the petitioner's case are totally different from the case laws cited. The Petitioner is put to strict proof with regard to the interpretation given in Clause 2(A) of the Standing Orders. With regard to the illegal strike, there is no investigation. So the case law 1968-I LLJ, is not applicable. The allegation that the Management violated Clause 20(C) of the Standing Orders is not correct and the Petitioner is put to strict proof of the same. The Management has looked into the past record of the workman and then only passed the dismissal order. Without admitting any of these allegations, it is respectfully submitted that if the offence is of very serious nature, the clean record is not going to help him. The allegation that the action of the management in dismissing Sri K. Lakshmaiah w.e.f. 24-7-1985 from the service of the Company is wrongful and unjustified and hence, he is en-

filed for reinstatement is not correct. The workman in dispute is not entitled for reinstatement with full back wages. This Hon'ble Tribunal may be pleased to dismiss the petition.

4. W.W1 to W.W4 were examined for the Petitioner-workman and marked Exs. W1 to W5. M.W1 to M.W4 were examined and marked Exs. M1 to M13, on behalf of the Respondent-Management.

5. The point for adjudication is whether the action of the Management of M/s. Singareni Collieries Company Limited, MM & SMG Group of Mines, P.O. Kalyani Khunt, Dist. Adilabad (A.P.) in dismissing from service Sri Kondra Lakshmaiah, Coal Filler Somagundam No. 3 Incline w.e.f. 24-7-1985 is justified?

6. W.W1 is one Sri K. Lakshmaiah. In brief he deposed that he is working as Coal Filler in Somagundam III Incline. On 11-3-1977 he joined S.C. Company as Badli Coal Filler. He did file a appeal to the Managing Director against the order of dismissal passed against him. Ex. W1 is copy of his appeal dated 21-12-1985. The order of dismissal is dated 24-7-1985. He did not receive any reply or response for his appeal. He did not receive any notice from Industrial Tribunal though order of dismissal recited that the management is approaching the Industrial Tribunal for approval regarding the action of dismissal. On 30-4-1986 he filed a petition in this Tribunal under Sec. 33-A as he did not get any notice from Industrial Tribunal regarding his dismissal. It is Ex. W2. When he came and enquired in the Industrial Tribunal he came to know that Section 33(2)(b) petition was allowed before he filed Section 33-A application under Ex. W3 letter. Then on 22-6-1986 his matter was referred to Conciliation Officer. As management did not agree to take him back into service conciliation failed and Ex. W4 is report of failure of conciliation proceedings. As he was not furnished documents by Management for a long time, he filed Ex. W5 memo on 23-10-87. On 8-10-84 he went for duty in second shift commencing from 3.00 P.M. That he went late as his mother was unwell. By the time he went there most of the coal fillers got down the mine. He went there in time and gave muster and took cap and lamp. Just when he was about go down the mine shot firer Nukala Venkata was abusing all people. He was there in drunken state. Then he advised him not to abuse people and advised that they should go down the mine. Then he turned against him and said who are you to tell me, You are talking as if you are bigman with authority. Then he assaulted him and beat him after snatching the lamp from his hands. He beat him with the lamp. Then one coal filler Yadagiri asked as to what is all the trouble. Then Venkata told Yadagiri that till then nobody questioned him though he abused all, that he replying and questioning him. He then asked Yadagiri also to beat him. Then Yadagiri and Nukala Venkata joined together and beat him and the lamp was broken due to beating with it. When this incident took place there were 3 people of his gang and another person of a different gang were present. It is gang No. 5 Gurra Banaiah, Yadagiri Rayanallu, Soorahpasi Reddy were present. The fourth man is Tokala Mallalah Coal Filler of gang No. 2. Then immediately he went and complained to the Manager that Venkatai and Yadagiri jointly beat him with his lamp and in the process they broke the lamp. Then taking the broken lamp they gave him a good lamp. Then he and all the four people presented who witnesses the incident went down the mine. That day he did not do any work as he had severe pain due to beating. Then he informed the Mining Sirdar that he is unable to do work and came out of the mine. On 9-10-1984 he went for second shift duty. He booked in time. Then the witnesses who saw the incident of beating on the previous day told all the coal fillers that he, their man was beaten by N. Venkatai Yadagiri. Then Yadagiri brought five outsiders. Then coal filler remarked that Yadagiri brought goondas and hence there is no protection for them. They said only after Yadagiri apologies they will go down the mine and do work. Both of them did not apologise. Then he told coal fillers that as he gave a written complaint they should go down the mine. Then they got down 4 or 5 steps. Then other coal fillers abused him saying you are the victim of beating and that whole all of them are protesting for his cause. It is not proper for him to go down the mine for work. They asked him to

come out. Then he went up the steps. At that time Pit Officer other officers of Pit came there. They came to pit mouth they told them that they will take action against Nukala Venkatai and Yadagiri and that they should go down the mine and do work. Then he alone got down the Mine for a second time. Then all coal fillers abused him saying that while all others are protesting for his cause and for his being victim of beating he got down for duty for a second time. Then he was afraid and so came out. On 25-10-1984 he was given charge sheet at 3.00 p.m. when he came for duty. The charge sheet indicated name of only Yadagiri. Hence he met the Manager and complained that while he was beaten jointly by Nukala Venkatai and Yadagiri, the charge sheet mentions only one name. The Manager told him that it is none of his concern and that they had issued the charge sheet. On 27-10-1984 he gave explanation for the chargesheet. Normally, they have three days time to give explanation. In his case on second day itself they gave notice of enquiry. On first day of enquiry 30-10-1984 he did not participate. The second notice of enquiry was not received by him. Only after 3rd notice of enquiry was given enquiry commenced on 4-11-1984. Charge sheet did not disclose the names of management witnesses. The charge sheet mentions that he will be dismissed from service. Asst. Manager Sharma did not participate in the enquiry on 5-11-1984. He signed in proceedings written in English he does not know what is written. The enquiry officer did not explain to him in Telugu what the witnesses deposed in D.E. Earlier to this enquiry he was never given any charge sheet or memo and he was never punished earlier. Though the Management promised to take action against Nukala Venkatai and Yadagiri who beat him till now no action was taken against them. Not even a charge sheet was issued to them. He prays that he should be reinstated with back wages and continuity of service.

7. W.W2 is one N. Satyanarayana. He deposed that on 9-10-1984 he came for duty in second shift. That day he gave directions regarding distribution of work to coal fillers. After work distribution was done coal fillers did not go down the well and go the mine. He questioned them as to why they were not going into the mine to do work. They told him as follows. It seems Yadagiri beat K. Lakshmaiah if Yadagiri tenders an apology they will attend to work. Then he advised them to give a complaint to management and that management will take action. He advised them to go down for work after giving complaint. They did not accept his suggestion. In that shift there were approximately 200 coal fillers. He requested the worker of all gang. There were 16 gangs of coal fillers. All of them gave the same reply. Then as coal fillers did not go for work he informed orally the under manager and manager about this. Then under manager K. Lingiah, and Manager Srinivas Reddy (Superintendent of Mines) came there and talked to representatives of 2 men of each gang. They told the officers that only if Yadagiri tenders the apology they will go to work. K. Lakshmaiah did not shout or tell anyone that workers should not go for work unless Yadagiri tenders apology. He did not canvas with workers not to go for work. K. Lakshmaiah was ready to go to the mine and do work. He took basket and shovel and he was ready to go down the mine.

8. W.W3 is one T. Mallalah. He deposed that on 9-10-1984 he went for duty for second shift. He put in muster. He is working on Machine No. 1 in gang No. 2. In Somagundam 3 inclines, 8 machines and 16 gangs are working each gang consists of 12 men. After we went there Overman Satyanarayana distributed work among the coal fillers. Then we got down the well. Then Sri Gangaram is surprised and again asks witness whether on 9-1-1984 they went down the well. Witnesses says we went down the well. Again on Sri Gangaram telling him on 9-10-84 did you go down witness alters his version and says they did not go down the well for work. The Overman came and asked us why they were not going down the well into the mine for work. Then we told him that Yadagiri assaulted a workers some Lakshmana and unless Yadagiri tenders an apology they will not go down for work. He does not remember the correct name of the assaulted worker. He is some Lakshmaiah. Then Overman went and reported the matter to Superior officers. Then Under Manager and Senior Mining Engineer came there. Manager also came there. They

questioned us why they were not going down for work. Then they told him Yadagiri assaulted a worker. They said one man from each gang can come for talks. He went on behalf of his gang. Then some advised to go for work and promised to take action against Yadagiri. They told him that Yadagiri brought outside goondas. Only if he comes and tender apology we will go down the well and go to the mine and work. Then Konda Laxmaiah said was SME promised to take action they should go down the well and attend to work. Then we people working on Machine No. 1 agreed to go for work. Then as they were about to go down other labourers said that while all of them struck for their sake how they can go to work. Then all of them refused to go for work and they all went away without doing work. After 9-10-84 no action was taken against Yadagiri. In fact the person assaulted by Yadagiri was given a charge sheet and action was taken. Later he was also dismissed. Though on that day they all did not go for work. Nobody received a charge sheet for participation in a strike. M.W.4 is one D. Banaiah. He took spoke what M.W.2 and 3 gave evidence in this case.

9. M.W.1 is one V.V.S.N. Murthy. He deposed that he is working as Senior Personnel Officer in the S.C. Company Limited of Ramakrishnapuram Area presently. He was appointed as Personnel Officer in the year 1982 and he is in charge of Bellampalli II area in which Somgudem III Incline is included. For conducting enquiries, he was appointed by a general order to conduct enquiries by the management. He has conducted enquiry in case of Kondra Latchmaiah, Ex. Coal filler of Smg No. 13 Incline. Kondra Latchmaiah participated in the enquiry. Ex. M1 is the enquiry proceedings. Where Kondra Laxmaiah signed. He examined three witnesses on behalf of the management. Kondra Latchmaiah cross examined those witnesses. Kondra Latchmaiah brought four witnesses on his side and examined them. He also gave evidence in support of this case. Ex. M1 contains the entire proceedings given by the management as well the workmen. After conducting the enquiry he submitted his report which is Ex. M4. Before proceeding with the enquiry he issued notices to the workman intimating the date of postings of the enquiries. Ex. M5 to M9 are the said notices issued to Kondra Latchmaiah. Based on his report the Management passed order of dismissal under the date 24-7-1985 which is Ex. M10. The management filed M.P. No. 255/85 in this Tribunal in I.D. No. 56/84 was pending and the Hon'ble Tribunal approved the action taken by the Management. Along with the dismissal order one month salary was sent under M.O. receipts marked as Ex. C1 and C2. In M.P. No. 255/85 the management gave paper publication as per the direction of this Tribunal which is marked Ex. C3. Ex. C4 is the order passed in M.P. No. 255/85 dt. 16-1-1986. Ex. C5 is the application filed under Section 33-A in I.D. No. 56 of 1984. Ex. C6 is the order passed in the petition filed by the worker.

10. M.W.2 is one K. Laxmaiah. He deposed that he worked as Under Manager in Somagundam 3 Incline in 1982. Now he is working as Senior Manager in the same Mine. He knows Kondra Laxmaiah the charge sheeted workman. He was a coal filler. Because of the strike organised by Kondra Laxmaiah he was charge sheeted and dismissed by the management. As shift charge he complained to the management with regard to the strike. Domestic Enquiry was conducted for the said charge. He also gave evidence before the Enquiry Officer. He was also cross examined during the enquiry proceedings by the charge sheeted employee. The strike took place on 9-10-1984 in the second shift. His statement is shown in the enquiry proceedings in Ex. M1. He was the management representative during the enquiry and he signed on all pages of Ex. M1. Ex. M1 is the enquiry proceedings. The second shift commences at 3.00 p.m. Normally they came to the Pit mouth and overman will be giving information about the number of workmen came for the shift. Basing on that they will doing distribution of work. Along with him the Asst. Manager Sri Sharma was there on 9-10-84 in the second shift. They instructed the Overman to distribute the work to the workmen on 9-10-1984. He distributed the work. After the distribution work no one has got down into the Mine to work. Then he enquired Overman as to why the workman did not enter the Mine. Overman informed them that on the previous day 8-10-84 one Yadagiri and Kondra Laxmaiah quarrelled with

each other and that due to the said incident the workman did not enter the mine. Then he went to the spot and saw Kondra Laxmaiah and Yadagiri. Then he enquired Kondra Laxmaiah and Kondra Laxmaiah told him that he was beaten yesterday by Yadagiri and so we stopped at the surface. Then he informed K. Laxmaiah that management will take action for the said incident and the said incident cannot be a ground for them to stop on the surface without going to the work. Then K. Laxmaiah told him that Yadagiri had beaten him and that there is no security even if one is murdered then he told him that management will look into the matter that the management has to maintain discipline and they must go into the mine and do the work. Some workers were also present along with Laxmaiah. Then he insisted Laxmaiah that he should go into the Mine and do the work. He told him that discipline will suffer. He also told him that it amounts to illegal strike and the company has to take action for his going on illegal strike. Then he asked the workers whether they would go and work in the mine. That Laxmaiah told about the assault on him by Yadagiri and that they would not go to work till Yadagiri comes there and tenders public apology to them. He informed them that he will take action against Yadagiri and he asked the workers to go and work. He requested them repeatedly to go and do the work. He also told them that the incident is unconnected with the company duties. Because Laxmaiah informed the other workers about the assault on him by Yadagiri on the previous day, the workers did not go into the Mine to work. He waited for two hours. Even then the workers did not enter the mines as he declared lockout. The strike went for 7 shifts. There was production loss of 350 tons of coal in each shift. The workman did not do the work because of Kondra Laxmaiah.

11. M. W3 is one M. S. N. Sharma. He deposed that he is working as Colliery Manager in R.K. No. 1 Incline of Singareni Collieries Company Limited, Ramakrishnapur. He has worked in Somagundam No. 3 Incline from 1975 to 1986. In 1984 he was Assistant Manager in Somgundam No. 3 Incline. He knows Kondra Latchmaiah Coal Filler working in 'B' Relay. On 9-10-1984 he was in Overman room near the Mine premises along with K. Lingiah the Under Manager who is the Second shift incharge. N. Satyanarayana Overman who is in the second shift brought the work person list of those who attended for the 2nd shift. Then myself and Lingiah instructed him as to how the work should be distributed among the workmen who attended for the second shift. After that N. Satyanarayana Overman came to us and told that Sri Kondra Laxmaiah stopped all other coal fillers not go down in the Mine on the ground that Sri K. Yadagiri should apologise open to Kondra Laxmaiah as some incident took place on 8-10-1984. He is self and Lingiah went to the place of workmen. Then they found Kondra Laxmaiah inciting all the coal fillers not go down the Mine on the ground, that Yadagiri beat him on 8-10-1984. He tried to pacify him and stated, that they will take action if he gives a complaint in writing against Yadagiri. Then Laxmaiah openly declared before them, that either himself or the other coal fillers will go to the work, unless Yadagiri immediately comes and apologise, and also asked all the coal fillers to do accordingly. He tried to persuade all the coal fillers to go to work but they refused to do so. He also told all of them that this service is declared as a Public Utility Service and that it is illegal to strike work. Laxmaiah prevented all other coal fillers from going to work. While he was there, their Deputy Chief Engineer also came there, and tried to persuade them to go to work by telling that it is a public utility service but they did not even heed his advice. He saw Laxmaiah preventing the coal fillers from going to work. Thus, from the second shift of 9-10-1984 the coal fillers struck work till 21-10-1984 till the second shift. Again on 26-10-1984, they also struck work for one shift on the same cause. The loss of production due to this illegal strike is 3,150 tons of coal.

12. M.W. 4 is one P.A.V.V.S. Sarma. He deposed that he knows the workman in question Kondra Laxmaiah. In December, 1983 Coal Industry was declared as Public Utility service as per Ex. M11. With regard to Kondra Laxmaiah 33(2)(b) application was filed (M.P. No. 255/85) against him and it was disposed of. Exs. M12 and 13 are Money Order receipts (copies). 33(2)(b) application was approved by this Court as per its order dt. 16-1-1986.



13. The charge against Kondra Laxmaiah is that the Management issued a charge sheet dt. 21-10-1984 on 25th October, 1984 at 3.00 P.M. The charges are that (1) the Petitioner participated in the illegal strike and (2) organised the strike. The Petitioner gave explanation to the charge sheet on 27-10-1984 stating that "On 9th October, 1984 the shift fillers demanded Yadagiri to apologise since he has beat me but Yadagiri refused to apologise. Moreover he brought five butchers to the Mine to threaten workers. Due to this the fillers did not go down the mine. The allegation that I organised the strike is not correct. Since nobody went down, I also could not go down the mine." He also stated that "it is very much surprising to note that I am the victim since I was beaten but I have been charge sheeted. As a matter of fact I am not at fault. When all the fillers did not go down the mine, why I have been issued charge sheet for not going down the mine is very much surprising. The allegations under misconduct under 16(19) and 16(1) are not correct. Therefore kindly consider over this and revoke the charge sheet and oblige." Not satisfied with the explanation of the Petitioner-Workman, the Management ordered domestic enquiry by appointing Enquiry Officer Sri V.V.S.N. Murthy. Enquiry was conducted and witnesses were examined on behalf of the Management as well as on behalf of the workmen in question. The Enquiry Officer submitted his enquiry report to the Management and the management gone through the enquiry proceedings and enquiry report, finally decided the dismissal of the Petitioner-workman from service.

14. The Petitioner-workman filed written arguments. It is a detailed recital in support of their case. It is mentioned that this is a case of victimisation of an innocent workman Kondra Laxmaiah who is victim of assault by N. Venkataiah and Yadagiri on 8-10-1984 while on duty and on 9-10-1984 five goondas were brought by Yadagiri to the mine to terrify and threaten the workers. This action of Yadagiri instigated all the coal fillers of the shift on 9-10-1984 and the workers got provoked and all the coal fillers took the matter in their hands and demanded apology from Yadagiri but he did not agree and it has led to the stoppage of work by all the coal fillers. On assurance given by the Colliery Officer that action will be taken on Yadagiri Sri K. Laxmaiah was ready to go on work and he took basket and shovel to go down the mine but all other coal fillers stopped him from going down the mine stating that all of them have stopped work on his issue, then how he can go down the mine. When second time also K. Laxmaiah tried to go down the mine but other coal fillers abused him and stopped him from going down the mine. To substantiate this fact W.W. 1 to W.W. 4 were examined on behalf of the Petitioner-workman. W.W.1 stated in his evidence that on 9-10-1984 he went to attend 2nd shift and booked in time. Then the witnesses who saw the incident of bearing on the previous day, told all the coal fillers that their man was beaten by N. Venkati and Yadagiri. Then Yadagiri brought five goondas from outside. The coal fillers remarked that Yadagiri brought goondas and hence there is no protection for them. They said only after Yadagiri apologise they will go down the mine and do work but he did not apologise. The witness W.W.1 told the zonal fillers as he already gave a written complaint, they should go down the mine. When W.W.1 got down the mine, the other coal fillers abused him saying that he is the victim of beating while others are protecting for his cause, then W.W.1 came out of the mine. In the meanwhile Pit Officers came and told the fillers that action will be taken against Yadagiri and told the fillers to go down the mine. Further the case of the Petitioner-workman that Sri N. Satvanarayana, Overman who is examined as W.W.2 stated in his evidence that Sri K. Laxmaiah did not shout or tell any one that workers should not go for work unless Yadagiri tenders apology, that K. Laxmaiah did not canvas with workers not to go for work, and also stated that K. Laxmaiah was ready to go down the mine and do work. Laxmaiah took basket and shoven and he was ready to go down the mine. In cross examined of W.W.2 he stated that K. Laxmaiah did not tell him that unless Yadagiri tenders apology, he will not go down the mine. So there is much proof to say that the petitioner-workman did not incite the coal fillers to go on strike but the coal fillers themselves stopped the work and did not allow K. Laxmaiah to go down the mine as they are protecting the cause of K. Laxmaiah. It is also the evidence that K.

Laxmaiah gave a complaint to the Management regarding the incident and to take action against Yadagiri and in turn the S.M.E. promised to take action against Yadagiri. But the coal fillers did not heed to the words of the Petitioner-workman and all of them went away without going to work. Finally charge sheet was issued against K. Laxmaiah for no fault of his. The contentions of the petitioner workman that when all coal fillers of IInd shift nearly about 200 have participated in the illegal strike but nobody was charge sheeted only the petitioner-workman was singled out and charge sheeted him and finally dismissed him from service. So this is the clearly case of discrimination shown to the Petitioner-workman. Even no action was taken by the Management to issue charge sheet to Yadagiri who was the real trouble monger in bringing the goondas from outside and created a scene at the work-spot, and even when a complaint was lodged by the Petitioner-workman to the Management, nothing was done for the said complaint. To somehow get rid of the petitioner-workman a farce domestic enquiry was conducted by the Management. The Enquiry Officer who conducted the domestic enquiry against the Petitioner-workman, has committed several blunders and violated all the norms and principles of natural justice. As per the domestic enquiry proceedings it is shown that on 5-11-1984 at 4.30 p.m. M.S.N. Sharma, Asst. Manager of Somagundam No. 3 Incline has deposed evidence. As a matter of fact the statement of Sharma was recorded behind the back of the Petitioner-workman, actually Sri Sharma did not attend the enquiry, the Enquiry Officer has inserted the statement of Mr. Sharma in the enquiry file during the enquiry and the signature of petitioner workman was taken on that paper along with all other papers. It is also in the evidence of M.W.2 Sri K. Lingaiah admitted in Industrial Tribunal that in the domestic enquiry papers as against the statement of managements representative mentioned at page 2 of Ex. M1, his name is not written but he signed under the said statement. He did not put his designation as under Manager under his signature on page 2 of Ex. MW1. He also admitted that the enquiry proceedings do not bear any date, time and place when and where the enquiry was held. This goes to show that the domestic enquiry was not held in accordance with principles of natural justice. Thus I find that the domestic enquiry is biased and vitiated. The Enquiry Officer wrongly concluded his findings that the workman participated and instigated in illegal strike. The allegation of instigation is not there in the charge sheet. This shows that the disciplinary authority has accepted the wrongful conclusions of the enquiry officer.

5. On a consideration of the evidence, facts and circumstances of the case, I am clearly of the view that the statement of the enquiry officer (M.W1) and the statements of M.W2 and M.W3 that the M.W1 Enquiry Officer had conducted the domestic enquiry violating all the norms and principles of natural justice and that basing on his report the Petitioner-workman was dismissed. This is clear that the management has resorted to malafide and unfair action by dismissing Kondra Laxmaiah without any legal evidence. No prima facie case is made out while taking drastic action against the Petitioner-workman. I find that it is nothing but victimisation of the concerned workman K. Laxmaiah.

In the result, the action of the Management of M/s. Singareni Collieries Company Limited, MM & SMG Group of Mines, P.O. Kalyani Khani in dismissing from service Sri Kondra Laxmaiah, Coal Filler, Somagundam No. 3 Incline w.e.f. 24-7-1975 is not justified. The concerned workman Sri Kondra Laxmaiah is entitled to be reinstated into service with full back wages and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 31st day of July, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I  
Appendix of Evidence.

Witnesses Examined

for the Workmen :

W.W1 K. Laxmaiah  
W.W2 N. Satvanarayana  
W.W3 T. Malliah  
W.W4 D. Banaiah

Witnesses Examined

for the Management:

W1 V.V.S.N. Murthy  
M.W2 K. Lingaiah  
M.W3 M.S.N. Sharma  
MW4 P.A.V.V.S. Sarma



## Documents marked for the Workmen:

- Ex. W1—Copy of appeal by Kondra Laxmaiah, Coal Filler, Somagudem No. 3 Incline to the Chairman and Managing Director S.C. Co. Ltd., Kothagudem dated 21-12-1985.
- Ex. W2—Copy of petition under Section 33(A) of the I.D. Act, 1947 before the Hon'ble Industrial Tribunal, Hyderabad dt. 30-4-86.
- Ex. W3—Copy of Union's letter dt. 22-6-86 addressed to the Assistant Labour Commissioner (Central) Hyderabad with regard to conciliation of wrongful dismissal in respect of K. Laxmaiah.
- Ex. W4—Copy of failure of Conciliation Report dt. 18-11-1986.
- Ex. W5—Adjournment Memo dt. 23-10-1987 of B. Ganga Ram, Chief Vice President Central Council S.C. Worker's Union, Bellampalli before this Industrial Tribunal, Hyderabad.
- Documents marked for the Management :
- Ex. M1—Enquiry Proceeding.
- Ex. M2—Charge Sheet dt. 21-10-1984 issued to K. Laxmaiah by the Colliery Manager, S.C. Co. Ltd., Smg. 3.
- Ex. M3—Explanation to the charge sheet dt. 27-10-1984 submitted by K. Laxmaiah to the Colliery Manager, Somagudem No. 3 Incline.
- Ex. M4—Enquiry Report.
- Ex. M5 Enquiry Notice dt. 27-10-1984 issued to Kondra Laxmaiah by the Colliery Manager, Smg. 3.
- Ex. M6—Enquiry Notice dt. 30-10-84 issued to Kondra Laxmaiah by the Colliery Manager, Somagudem No. 3 Incline, S.C. Co. Ltd., Bellampalli, Adilabad District. (A.P.)
- Ex. M7—Enquiry Notice dt. 1-11-84 issued to Kondra Laxmaiah by the Colliery Manager, Smg. 3 Incline, S.C. Co. Ltd., Bellampalli, Adilabad District. (A.P.)
- Ex. M8—Enquiry Notice dt. 13-11-1984 issued to Kondra Laxmaiah by the Colliery Manager, Smg. 3 Incline, S.C. Co. Ltd., Bellampalli, Adilabad District. (A.P.)
- Ex. M9—Application dt. 12-11-1984 of Kondra Laxmaiah for adjournment of enquiry.
- Ex. M10.—Dismissal Order dt. 24-7-85 issued to Kondra Laxmaiah by the General Manager, S.C. Co. Ltd., Mandamarri Division Adilabad District. (A.P.)
- Ex. M1(a)—Part of the Statement of Management's representative at page 5 of Enquiry Proceedings in Ex. M1.
- Ex. M1(b)—Part of the Statement of Management's representative at page 6 of enquiry proceedings in Ex. M1.
- Ex. M11—True copy of the Circular dt. 14-6-1984 with regard to declaration of coal industry as public utility service.
- Ex. M12—True copy of Money Order Receipt No. 3053 dated 24-7-85 for Rs. 875.93 Ps.
- Ex. M13—True Copy of Money Order Receipt No. 3052 dt. 24-7-85 for Rs. 500.

नई दिल्ली, 3 सितम्बर 1993

का.ग्रा. 2060.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम सी सी एल के प्रबन्धतंत्र के संबद्ध नियोजकों और

उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-93 को प्राप्त हुआ था।

[संख्या एल-21012 13 85-डी-III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd September, 1993

S.O. 2060.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 2-9-93.

[No. L-21012/13/85-D.III (B)]

RAJA LAL, Desk Officer

## ANNEXURE

## BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

## PRESENT :

Sri Y. Vankatachalam, M.A., B.L., Industrial Tribunal-I

Dated : 31st Day of July, 1993.

Industrial Dispute No. 32 of 1986

## BETWEEN

The Workmen of S.C. Co. Ltd.,  
Godavarikhani, Karimnagar Dist.—Petitioner.

## AND

The Management of M/s. S.C. Co. Ltd.,  
Godavarikhani, Karimnagar District.—Respondent.

## APPEARANCES:

Sri A. K. Jaya Prakash Rao, P. Damodhar Reddy,  
Ch. Lakshminarayana and C. Shailaja, Advocates  
for the Petitioner-Workman.Sri K. Srinivasa Murthy and Miss G. Sudha, Advocates  
for the Respondent—Management.

## AWARD

The Government of India, Ministry of Labour by its Order No. L-21012/13/85-D.III(B), dt. 12th August, 1986 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of M/s. Singareni Collieries Company Limited, Godavarikhani, Dist. Khammam and their Workmen to this Tribunal for adjudication :

"Whether the management of Singareni Collieries Company Limited, Ramagundam Division-III, Godavarikhani is justified in dismissing Sri Kalvala Malliah Hauler Khalasi from service with effect from 21-6-1982? If not, to what relief the workman is entitled?"

This reference was registered as Industrial Dispute No. 32 of 1986 and notices were issued to the parties.

2. The brief contents of the claim statement filed by the President of S.C. Engineering Workers Union read as follows.

The Petitioner submits that the concerned workman is a Member of his Union and represented the matter to the Union stating that the management dismissed him, from service illegally. The Petitioner submits that the concerned

workman was appointed on 30-3-1972 in the Respondent company and put in unblemished record of service till he was illegally dismissed from service w.e.f. 21-6-1982. The Petitioner submits that the order of dismissal passed by the Management is illegal, unjust, contrary to law and against the principles of natural justice. The petitioner submits that the concerned workman is a Member of his union and the Union espoused the cause of the concerned workman and demanded for his reinstatement with full back wages, continuity of service and all other attendant benefits. The Petitioner submits that the Management issued a charge sheet dt. 26-3-1982 alleging certain misconduct and the concerned workman submitted explanation denying the allegation as incorrect and false. The Petitioner submits that the concerned workman submitted explanation on 30-3-1982 and the Management decided to hold an enquiry into the allegations by an order dt. 31-3-1982. The Petitioner submits that the Management has not informed the workman about the permission to utilise the service of co-workman as a defence Counsel in the enquiry. The Management pre-determined the issue while issuing the charge-sheet itself and the enquiry is only an empty formality. The Petitioner submits that the workman categorically denied the charges levelled against him and brought to the notice of the Management that he did not abuse the Under Manager but the Under Manager torn the leave application in his presence and further stated that the leave will not be granted and added the words 'get out'. The Petitioner submits that he politely submitted to the Under Manager that he can endorse on the leave application about the refusal and there was no necessity whatsoever for tearing of the leave application. The Petitioner submits that the workman further submitted to the Under Manager not to loose his temper but the Under Manager called the Police and the Police took away the workman from the spot. The action of the Under Manager is highly objectionable and the concerned officer should not have done the things in such a manner. In order to substantiate the first allegation of using abusive language and assault, the Under Manager had foisted three other allegations also. The Petitioner submits that the concerned workman worked in first shift on 21-3-1982 and after completion of his duties at about 5.00 p.m. he called on the Under Manager with a leave application and requested to sanction the said leave for 4 days from 1-4-1982 on extreme compassionate grounds to meet his most urgent works and the Under Manager refused to grant the leave. When the workman again requested the Under Manager for the leave the Under Manager tore the application into pieces and threw it away. The workman requested the official stating that in case of refusal the latter ought to have endorsed the same and returned to the workman and the behaviour of the official would demonstrate that somehow he wants to create problems. The Officer also stated that he should not be questioned and the repeated requests of the workmen were turned down. The official said "Get out". With regard to the further allegation that the workman want to the man way office broke one tube light and torn and threw away the registers, the petitioner submits that this allegation is absolutely incorrect and false. The Petitioner submits that this allegation is baseless and false. With regard to the further allegation of the Management that the workman went to the sub-station and assaulted Sri Vidmouli, General Mazdoor in the second shift on 21-3-82 at about 6.00 P.M. the petitioner submits that this allegation is also false and baseless. With regard to the further allegation that the workman want to surface Bank-head and stopped the rope for few minutes by giving signals unauthorisedly and tried to assault Sri Erukala Venkaty, Surface Trammer, the petitioner submits that this allegation is a fabricated one and there is no basis for it. The petitioner submits that the charge sheet does not disclose that the concerned workman was in a drunken condition on 21-3-1982 while on duty, nor he was referred to the medical authorities to find out the truth. The Petitioner submits that the official with an ulterior motive to cause hardship to the workman alone called the Police and handed-over him to the police. The Petitioner submits that M.W2 categorically admitted in the cross-examination that he did not see the assault and the findings of the enquiry officer are perverse. MW1 not stated in his evidence that the workman was in drunken condition. The other witnesses of the management also not stated that the workman assaulted the official and the other workers on the spot. The Petitioner submits that the Management ultimately dismissed the workman from service by an order dt. 20-6-1982. The petitioner submits that the dismissal order says that the past record of the workman was considered but no opportunity was given to the workman to explain about

past record. That even assuming but without admitting that the charges against the concerned workman are proved in the enquiry, the punishment of dismissal from service on not commensurate with the alleged misconduct and is shockingly disproportionate to the offence if any committed. The Petitioner submits that the concerned workman filed an appeal to the Executive Director on 24-6-1982 and the same has not seen the light of the day. It is therefore prayed that the Hon'ble Court may be pleased to set-aside the order of dismissal passed by the Additional Chief Mining Engineer, Ramagundam Division-III of the Respondent in his proceedings dt. 20-6-1982 and grant the relief of reinstatement with full back wages, continuity of service and all other attendant benefits to the concerned workman Sri Kalvala Malliah, Hauler Khalasi in the interest of justice and fair play.

3. The brief contents of the counter filed by the Respondent Management read as follows:—

The Respondent denies the various allegations made in the claim statement except those are specifically admitted herein. It is submitted that in view of the misconduct committed by the workman, the Management was left with no other alternative except to issue a charge sheet dt. 26-3-1982 and call for the explanation of the workman and the workman herein gave his explanation on 30-3-1982. The Management was not satisfied with the explanation given by the workman and as such the Management has appointed Sri C. Simhachalam, as an Enquiry Officer to conduct a departmental enquiry. The Management on perusal of the Enquiry Report, and also the past record of the workman, dismissed the workman from service on 21-6-1982. As the misconduct of the workman being a serious misconduct, the Management could not concede to the request of the Union and the Union referred the above matter for conciliation and as the conciliation has failed, this matter was referred by the Central Government to this Hon'ble Court for adjudication. with reference to para No. 3 it is true that this workman was appointed on 30-3-1972 in the Respondent company and worked in the Respondent and during the service only, he has assaulted the officer and committed several illegal activities which were narrated clearly in the charge sheet. The Petitioner is put to strict proof that Sri Kalvala Malliah is their Member and that was the reason they have espoused the cause. That the concerned workman is not entitled for his reinstatement in view of the gravity of the misconduct as well as the past record of the workman. The allegation that the Under Manager has torn away the leave application of the workman and asked him to get out of his room is not correct. The allegation that he has asked the Under Manager very politely to endorse on it that he has refused his leave is also not correct. A new picture was given in the claim petition. The allegation that the action of the Under Manager is highly objectionable is not correct. On the contrary the workman has been interfering with the official duties of the Under Manager and he has acted in a very high handed way which has been clearly mentioned in the charge sheet. The allegation that the Under Manager to substantiate the first allegation had foisted the three other allegation is not correct. When the leave sanctioning procedure was explained to the workman, the workman was not happy with the same. As such, immediately, he abused the workman with filthy language, closed the doors and put him in side and assaulted him. To cover the serious mistake, now the workman has chosen to concoct various facts. The allegation that the officer has asked him to get out is also not correct. It is pertinent to submit that the workman's conduct was such that the officer was left with no other alternative, except to call the police for the protection of his own safety. It has been coloured as if the Under Manager has lost temper and made complaint to the Police. The Officer has reported to the Police only for his and some workers safety as they were badly assaulted by the workman. The Respondent has no knowledge whether the workman is not a delegate or an office bearer of the Petitioner Union. But he himself was personally representing the cases of the workers at GDK 7A Incline. The allegation that the Enquiry Officer being the employee of the Company, supported the Management's case is not correct. It is respectfully submitted that the Management after going into the entire service record of the workman and also the seriousness of the misconduct committed against an officer and co-worker, has taken a decision. The Management has gone through the Enquiry Report and also looked into the past record of the workman. Then only the dismissal order passed by the Management. As such, the dismissal

order passed by the Management is just, in view of the gravity of his conduct. The procedure contemplated with regard to the past record and to give an opportunity to the workman does not arise in this case. It is also not necessary to issue the show cause notice with regard to his past record. It is also false to alleged that the Management has deprived of the livelihood of the workman on flimsy grounds and the allegation that Management has contravened Section 33 of the I.D. Act is not correct. It is also pertinent to submit that the workman submitted a mercy petition to the Executive Director admitting his guilt. The Hon'ble Court may be pleased to dismiss the claim petition and approve the action of the management in dismissing the workman as correct.

4. W.W1 and W.W2 were examined on behalf of the Petitioner workman and marked Exs. W1 to W4 on its side. Whereas M.W1 to M.W3 were examined on behalf of the Respondent Management and marked Exs. M1 to M8 on its side.

5. The point for adjudication is whether the management of Singareni Collieries Company Limited, Ramagundam is justified in dismissing Sri Kalavala Malliah, Hauler Khalasi from service w.e.f. 21-6-1982 ?

6. Before going into the merits of the case my predecessor passed an Order on 14th August, 1989 holding the domestic enquiry conducted in the present case is vitiated and so the Management is given opportunity to furnish the copies of the complaints to the workman and produce evidence to prove the allegation made against the workman.

7. W.W1 is K. Malliah the concerned workman. He deposed that he is Hauler Khalasi in S. C. Company. He is not acquainted with procedure indomestic enquiry. Earlier to domestic enquiry in this case he did not have experience of facing domestic enquiries. He is not educated. Before the enquiry and during course of enquiry. After the order of this Court dt. 14-8-1989 on preliminary point the petitioner was examined in chief. He deposed that he was a member of S.C. Engineering Workers Union. His cause was espoused by their Union. He joined in the service of the Respondent Company as Hauler Driver on 30-3-1972, and he was removed from the service on 21-6-1982. Till the date he was removed from the service, no disciplinary action was taken against him for any misconduct and no domestic enquiry was conducted against him at any time for any misconduct. He never, abused Sri A. Upendra Rao, Under Manager at any time. Whenever he wanted to go on leave, he has to submit his leave application to the Under Manager. The Under Manager of the shift in which he worked during the relevant period was one Sri Sarma. The allegations made in Ex. M1 charge sheet are not true and correct. He submitted Ex. M2 explanation to the charge sheet in Ex. M1. On the day of the alleged incident he went into the room of the Under Manager and submitted his leave application to Sri A. Upendra Rao (M. W2) as Sharma went away by that time and MW-2 has torn away the leave application submitted by him and refused to grant the leave to him and asked him to get out and so he went away. The leave can be granted to him by any of the Under Managers. He did not assault the general mazdoor by name Vidamouli in the 7th Incline the 2nd Shift on that day or at any time. It is not correct to say that he broke the tube lights. He did not commit any of the incidents as alleged in Ex. M1 charge sheet and they were falsely levelled against him by the Management. After he was removed from the service, he did not attempt to secure any other job in any other concern and he is going for cooli work for his livelihood and prosecuting this case. He prays to pass an award directing the Respondent to reinstate him with back wages, continuity of service and all other attendant benefits.

8. W.W2 is one J. Durgiah. He deposed that is the General Secretary of S.C. Company Engineering Workers' Union. Kalavala Malliah the worker concerned in this I.D. is a member of their Union. When he was removed from service they the Union espoused his cause and raised a dispute before Conciliation Officer. They raised the dispute on behalf Union before Asst. Commissioner of Labour under Ex. W2 dt. 28-11-1984. Ex. W3 is the failure report sent

by Conciliation Officer to Government. At no point of time did the management raise the objection either before officers or Asst. Commissioner to the effect that this Kalavala Malliah is not a member of their Union and that their Union is not entitled to espouse his cause and raise a dispute. Regarding this dispute they had discussions with Chairman and Managing Director. Ex. W4 is copy of Representation given to Chairman-cum-M.D. by Union President. At that time he was President of the Union.

9. M.W1 is one C. Simhachalam. He deposed that he submitted the enquiry report after the completion of enquiry to the Management. Ex. M8 is the enquiry report consisting of 7 pages.

10. M.W2 is one A. Upender Rao, Assistant Manager. He deposed that in the year 1982 he was working as Under Manager in GDK-7A. By then Kalavala Malliah was working as Hauler Khalasi in their mine. G. Rayanarasu was working as Badli Filler in their mine. On 21-3-1982, He was working in the 2nd shift i.e. from 3.00 p.m. to 11.00 p.m. on that day about 5.45 p.m. while he was in his office room, Kalavala Malliah and Raya Narsu entered into his room and demanded, that he should grant leave to very worker whoever applies without any exception. He pleaded that it is not possible as per the guidelines and the rules, since the work will suffer. Then they argued with him, and Malliah abused him in vulgar language calling him as "Lanja Kodaka, Nuvu yendhuku vunavo". Then Raja Narsu bolted the latch of the door from inside, and Malliah forcibly pushed him into his chair. In a panic state of mind, he rang the bell. No outsider could enter into the room, as it was bolted from inside the room. When he wanted to go out and went near the door, Rayanarsu opened the bolt of the door. He opened the door, Vidmouli temporary General Mazdoor working as a watchman, was seen by him just by the side of the door way outside the room. After he opened the door, Malliah caught him by the collar of his shirt and threatened him "I will see your end". Thereafter, he went underground the mine. By about 6.15 p.m. while, he was inside the underground mine, he received a telephone call from the surface from Venkataiah who is the Bank-head Mukkadam. He informed him that Malliah and Rayanarsu went to the many way office, and tore away some of the paper from the manyway register and broken one tube light. After receiving the phone message, he went to the manyway office and found, that some papers in the manway register were torn away, and the tube light has broken. Venkataiah also informed him, that they assaulted Vidmouli the watchman, that they gave signals unauthorisedly to the Hauler operator, the main gate incharge is not authorised to instruct any one to give signals to the hauler operator. Venkataiah told him, that are to unauthorised signaling those two workers stopped the movement of the rope for some time unauthorisedly. When Malliah and Rayanarsu entered into his office room by about 5.45 p.m. he found them to be in a state of drunkenness. If there is any such unruly misconduct on the part of any workman, he has to report to the Manager, that the Manager will not be available in 2nd shift. Therefore, they have report to the Manager, but the Manager will not be available in 2nd shift. Therefore, they have report such incidents happened in the 2nd shift, on the following date to the manager. It is not true to suggest, that when Malliah and Rayanarsu came him and gave him leave applications, he tore them away and asked them to get out. Maallaiah and Rayanarsu did not belong to his shift, and they belong to relay 'B' shift where he belongs to relay 'C' shift. Mahender Reddy Manway Clerk informed him, that Malliah and Rayanarsu were taken away by the Police even before he reached the manway office.

11. At the very outset the allegation of the Petitioner Workman that the Management issued a charge sheet dated 26-3-1982 alleging certain misconduct and the Petitioner-workman submitted his explanation denying the charge as incorrect and false. The charge sheet dt. 26-3-1982 read as follows :

"You are charged with the following offences :

1. On 21-3-82 at about 5.45 p.m. you came to my office and entered the Under Manager Sri A. Upender Rao's room, demanding from him that he should sanction leave to the workers without any restric-

tions. When he told the procedure of sanctioning leave to the workers, you abused him in most filthy language closed the doors of the room from inside pushed and assaulted him.

2. After this incident you against went to the Manway office broke one tube light in the Manway room and torn and threw away the manway register.
3. Again at about 6.00 p.m. on 21-3-82 you went to GDK 7A Incline Sub-Station and assaulted Sri Vidmouli, General Mazdoor who was working as Watchman in II shift.
4. From there you went to surface Bank Head stopped the rope for few minutes by giving signals unauthorisedly and tried to assault Sri Erukala Venkat, Surface Trammer, who tried to prevent from stopping the rope."

To the above charge sheet the concerned workmen gave a reply as follows :

"On 21-3-82 I worked in 1st shift and after completion of my duty I went for my tiffin and at about 5 p.m. I went to the Under Manager with a leave application and requested him to sanction my leave for 4 days from 1-4-82 on extreme compassionate grounds as I was having most urgent work. But the Under Manager bluntly refused to grant the leave, I told him that I am from Relay B and there is no other person on leave and he can sanction my leave. Even inspite of my repeated request he did not melt and he torn my application before me and thrown it away. On this I told him that he should have not torn the application but if he does not willing he could have returned the application endorsing regret on that. I also told that even Manager is not to ring the applications he should have not done so.

This furirated him and got wild and said "getout" to me from his room. I politely asked him to behave and not loose his temper. On this he became more agitated and went and phone to Police, within some time the Police came and took away me with them.

Neither I entered into altercation with the Under Manager nor I challenged his authority. Neither I am an Union leader or delegate to ask him to grant leave to worker nor I represented anybody's case. I went for my own leave but I was subjected to humiliation at his hand. It is highly deploration and such a responsible officer should indulge in mean things and give false report against me."

Not satisfied with the above explanation of the concerned workman, the Respondent-Management conducted a domestic enquiry against the concerned workmen. Three witnesses were examined on behalf of the Management and two witnesses were examined on behalf of the concerned workman, before this Tribunal only on the validity of the domestic enquiry. This Tribunal passed an order that the enquiry conducted in this case is vitiated and so the Management is given opportunity to furnish the copies of the complaints to the workman and produce evidence to prove the allegation made against the workman. The contention of the Petitioner that the charge sheet does not disclose that the concerned workman was in a drunken condition on 21-3-1982 while on duty nor the concerned workman was referred to the medical authorities to find out the truth. The charges levelled against the concerned workman are incorrect and false. Even as per the evidence of M.W1 does not state that the concerned workman was in drunken condition. The other allegation that the concerned workman assaulted the officer. The witnesses for the Management did not state anywhere that the concerned workman assaulted the officials and the other workers on the spot. I find that the punishment of dismissal from service do not commensurate with the alleged misconduct and is shockingly disproportionate to the offence committed by the concerned workman.

In the result, the Management of Singareni Collieries Company Limited, Ramagundam Division-III Godavari Khani is

not justified in dismissing Sri Kalavala Mallaiah, Hauler Khalasi from service w.e.f. 21-6-1982. The concerned workman is entitled to be reinstated into service with full back wages, continuity of service and all other attendant benefits.

Typed to my dictation, given under my hand the seal of this Tribunal, this the 31st day of July, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I  
Appendix of Evidence

Witness Examined  
for the Management;

MW-1—C. Simhachalam  
MW-2—A. Upender Rao  
MW-3—Y. Hanumantha Rao

Witness Examined  
For the Workmen :  
W.W1 K. Mallaiah  
W.W2 J. Durgaiah

Documents marked for the Management:

- Ex. M1/26-3-82—Charge Sheet dt. 26-3-82 issued to Kalavala Mallaiah by the Colliery Manager, GDK No. 7A Incline, S.C. Co. Ltd., Ramagundam Division-II.
- Ex. M2/30-3-82—Explanation dt. 30-3-82 submitted by Kalavala Mallaiah, to the Colliery Manager, GDK No. 7A Incline.
- Ex. M3/4-4-82—Enquiry Notice dt. 4-4-82 issued to Kalavala Mallaiah by the Colliery Manager, GDK No. 7A Incline, S.C. Co. Ltd., Ramagundam Division-III.
- Ex. M4/31-3-82—Enquiry Notice dt. 31-3-82 issued to Kalavala Mallaiah by the Colliery Manager, GDK No. 7A Incline, S.C. Co. Ltd., Ramagundam Division-III.
- Ex. M5/12-4-82—Enquiry Notice dt. 12-4-82 issued to Kalavala Mallaiah by the Colliery Manager GDK No. 7A Incline.
- Ex. M6—Enquiry Proceedings.
- Ex. M7—Admitted Signature of K. Mallaiah in Ex. M6 at page 6.
- Ex. M8—Enquiry Report.

Documents marked for the Workmen:

- Ex. W1/24-6-82—Request Letter dt. 24-6-82 addressed by K. Mallaiah to the Colliery Manager, GDK No. 7A Incline with regard to copy of enquiry Proceedings.
- Ex. W2/28-11-84—Representation dt. 28-11-84 made by the President, Singareni Collieries Engineering Workers' Union to the Asst. Labour Commissioner (C), Hyderabad with regard to illegal dismissal of Kalavala Mallaiah.
- Ex. W3/7-7-85—Failure of conciliation report dated 7-7-1985.
- Ex. W4/27-9-83—Letter dt. 27-9-83 addressed to the Chairman and Managing Director, S.C. Co. Ltd., Kothagudem by the President, Singareni Collieries Engineering Workers Union with regard to reinstatement of K. Mallaiah.

नई दिल्ली, 3 सितम्बर, 1993

का.स्रा. 2061 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार माधोपुर कोलियरी ऑफ मैसर्स ई सी एल के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण, आसनसोल-4 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-93 को प्राप्त हुआ था।

[संख्या एल-22012/202/89-आई आर (सी. II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd September, 1993

S.O. 2061.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol-4 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 2nd September, 1993.

[No. L-22012/202/89-IR (C-II)]

RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL  
Reference No. 52/89

#### PRESENT:

Shri N. K. Saha, Presiding Officer.

#### PARTIES:

Employers in relation to the Management of Madhaipur Colliery of M/s. E.C. Ltd.

#### AND

Their Workman.

#### APPEARANCES:

For the Employers—Sri P. Banerjee, Advocate.

For the Workman—Sri Bijoy Kumar, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 16th August, 1993

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(202)/89-IR (C. II) dated 14th December, 1989.

#### SCHEDULE

"Whether the action of the management of Madhaipur Colliery of M/s. E.C. Ltd., in striking off the name of Sri Bibhuti Kora, Loading Peon, from the rolls of the Company, is justified? If not, to what relief is the concerned workman entitled?"

2. The present Reference was received by this Tribunal on 21st December, 1989. On 11th April, 1991 a letter was received by this Tribunal from the concerned workman stating that he did not raise any dispute regarding himself at any conciliation or Labour Court regarding refusal of employment and he prayed for withdrawal of the case without any provocation from anybody. On 29th April, 1991 Sri M. Mukherjee the Id. Advocate for the union submitted that her had no instruction to proceed with the case. The workman also did not turn up. So a no-dispute award was passed on 29th April, 1991. On 27th July, 1991 Sri S. M. Jalal, General Secretary of the union filed a petition for restoration of the case and this time the union was represented by Sri Bijoy Kumar, Advocate. Thereafter on 21st April, 1992 the case

was restored to its original file after setting aside the no-dispute award.

On 14th June, 1993 the union filed a petition for hearing of the case at Calcutta. The management also agreed to that proposal. So 20th July, 1993, 21st July, 1993 & 22nd July, 1993 were fixed for hearing of the case at Calcutta. On 20th July, 1993 Sri P. Banerjee the Id. Advocate for the management and Sri Bijoy Kumar Id. Advocate for the union were present. Sri Bijoy Kumar prayed for one day's time to produce the concerned workman and other witnesses as they did not turn up on 20th July, 1993. The prayer was allowed with the consent of the other side. On 21st July, 1993 again Sri Bijoy Kumar prayed for time as his workman and the witnesses could not come apprehending disturbances due to seige of Writers' Building at Calcutta by Congress and Sri P. Banerjee the Id. Advocate for the management submitted that the reason assigned by Sri Bijoy Kumar was very reasonable and with the consent of management's side the case was fixed again on 22nd July, 1993 for hearing. On 22nd July, 1993 Sri Bijoy Kumar the Id. Advocate for the union again prayed for time contending that due to serious disturbances in Calcutta on 21st July, 1993 his witnesses could not come. The prayer was seriously objected by Sri P. Banerjee. Sri Banerjee pointed out that the workman had already submitted an application stating that he had never lodged any case regarding himself. The concerned workman also failed to appear before the Tribunal with his witnesses.

3. In the circumstances I find that the workman was no longer interested to proceed with the case. As such I have no other alternative but to pass a no-dispute award and accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer

नई दिल्ली, 3 सितम्बर, 1993

का.आ. 2062 :—औद्योगिक विवाद अधिनियम, 1947 (1947 क 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाबीर (आर) कोलियरी आफ मैसर्स ई.सी.एल. के प्रबन्धन के संबद्ध विद्योक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल-4 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-93 को प्राप्त हुआ था।

[संख्या एल-22012/344/90-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd September, 1993

S.O. 2062.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol-4 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mahabir (R) Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 2nd September, 1993.

[No. L-22012/344/90-IR (C. II)]

RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 9/91

#### PRESENT:

Shri N. K. Saha, Presiding Officer.

**PARTIES :**

Employers in relation to the Management of Mahabir  
(R) Colliery of M/s. E.C. Ltd.

**AND**

Their Workman.

**APPEARANCES :**

For the Employers—Sri P. K. Das, Advocate.

For the Workman—Sri C. D. Dwevedi, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 18th August, 1993

**AWARD**

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(344)/90-IR (C. II) dated 20th March, 1991.

**SCHEDULE**

"Whether the action of the management of Mahabir (R) Colliery of M/s. ECL, P.O. Ranigunj, District Burdwan in denying regularisation of Shri Rajendra Kr. Singh, Switch Board Attendant as Telephone Operator w.e.f. 1988 is justified? If not, to what relief is the concerned workman entitled?"

2. The case of the union in brief is that the concerned workman Sri Rajendra Kumar Singh was a Switch Board Attendant of Mahabir Colliery under M/s. Eastern Coalfields Ltd., at Ranigunj. In June, 1987 he was deployed to work as Telephone Operator in supervisory Grade-D. Since then the workman has been working as Telephone Operator. There was request by the workman and by the union to regularise him as Telephone Operator but to no effect.

3. The union raised a dispute and the attempts of conciliation failed and the matter was sent to the Ministry of Labour, Government of India. Ultimately the dispute has been referred to this Tribunal for adjudication by the Ministry of Labour.

4. The management has filed written objection contending inter-alia that the concerned workman due to the exigency of work was asked by the company to work as Telephone Operator in the colliery on proper authorisation on temporary basis. As the deployment was purely on temporary in nature it does not and cannot confer any legal right to claim regularisation as Telephone Operator. So the workman is not entitled to get any relief in this case.

5. Admittedly the concerned workman was Switch Board Attendant and he was deployed as Telephone Operator in 1987 (or 1988 as mentioned in the Schedule of Reference). It is admitted that the workman has been working as Telephone Operator since that time. Sri P. K. Das the learned Advocate for the management has urged before me with all force that it is an appointment of temporary nature in the exigency of work. So it cannot confer any legal right to claim regularisation. He has further urged before me that if such a person is regularised then it will be difficult for the management to maintain its regular work. It is further urged before me that such type of regularisation is to be considered as a case of promotion and such promotion cannot be given without recommendation of the D.P.C. Sri C. D. Dwevedi the Id. Advocate for the union has placed before me the classification of workman as laid down in the Model Standing Orders. The temporary workman means a "workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period". In the instant case we find that the present workman cannot be treated as a temporary workman in the post of Telephone Operator as he has been working in the post for several years and it was not finished within a limited period.

It is now well settled position that if a workman works continuously for a period of 240 days in a particular post, then he is to be regularised in the said post. Sri C. D. Dwevedi the Id. Advocate for the union has also cited before me the case reported in 1984 AIR (S.C.) page 1683. Considering the principles laid down in that case it cannot be said that regularisation in a case like the present one shall be treated as promotion. So considering all the facts and circumstances of the instant case I find that it is a fit case where the workman shall be regularised in the post of Telephone Operator. But considering the interest of the Industry I am not prepared to give any back wages to the workman.

6. In the result I find that the action of the management in denying regularisation of Sri Rajendra Kumar Singh, Switch Board Attendant as Telephone Operator w.e.f. 1988 (as mentioned in the Schedule of Reference) is not justified. The concerned workman Sri Rajendra Kumar Singh shall be regularised in the post of Telephone Operator from 1988. But he shall not get any back wages. He will get the wages of Telephone Operator from the date of this award.

This is my award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 3 सितम्बर, 1993

का.आ. 2063 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मन्दारबोनी कोलियरी आफ मैसर्स ई. सी. लि. के प्रबन्धन के संबंध निवृत्तों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसंसोल-4 के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार का 2-9-93 को प्राप्त हुआ था।

[संख्या एल-22012/100/93-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd September, 1993

S.O. 2063.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol-4 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mandarboni Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 2nd September, 1993.

[No. L-22012/100/93-IR (C. II)]

RAJA LAL, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, ASANSOL

Reference No. 35/93

**PRESENT :**

Shri N. K. Saha, Presiding Officer.

**PARTIES :**

Employers in relation to the Management of Mandar-  
boni Colliery of M/s. E. C. Ltd.

**AND**

Their Workman.

**APPEARANCES :**

For the Employers—Sri P. K. Das, Advocate.

For the Workman—None.

INDUSTRY : Coal.

STATE : West Bengal.

## ANNEXURE

Dated, the 19th August, 1993

## AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/100/93-IR (C. II) dated the 21st June, 1993.

## SCHEDULE

"Whether the action of the management of Mandarbond Colliery under Pandaveswar Area of M/s. E.C. Ltd., P.O. Pandaveswar, District Burdwan in dismissing Shri Badra Bhuia UG Loader vide their letter No. FCL/MC/C-6/Dismissal/3244 dated 19th September, 1988 is justified? If not, to what relief the workman is entitled to?"

2. Today (19-8-93) Sri P. K. Das the Id. Advocate for the management is present. None is present for the union.

3. The present Reference was received by this Tribunal on 24th June, 1993. Thereafter regd. notice was issued to both the parties fixing 6th July, 1993 for filing written statement. On that date Sri P. K. Das the Id. Advocate for the management appeared with authority. But none appeared for the union though the regd. notice was duly served on 26th June, 1993 as it appears from the A/D card received back. Thereafter the case was fixed on 13th July, 1993, then on 3rd August, 1993 and then on 19th August, 1993 for further orders. But the union has not appeared upto this time.

4. So from the conduct of the union it appears to me that the union is no longer interested to proceed with the case. As such I have no other alternative but to pass a no-dispute award. Accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer

नई दिल्ली, 7 सितम्बर, 1993

का.ग्रा. 2064:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू साजरी ग्रुप 'ग्राफ भाईस ग्राफ इन्ड्यू सी एल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं.-1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-93 को प्राप्त हुआ था।

[संख्या एन-22012/126/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 7th September, 1993

S.O. 2064.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. I, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New Majri Group of Mines of WCL and their workmen, which was received by the Central Government on 7th September, 1993.

[No. L-22012/126/92-IR(C. II)]

RAJA LAL, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.  
Reference No. CGIT-1/75 of 1992

PARTIES:

Employers in relation to the management of New Majri Group of Mines of W.C. Ltd.

AND

Their workmen.

APPEARANCES:

For the Management—Shri G. S. Kapoor, Advocate.  
For the Workmen—No appearance.

INDUSTRY : Mining.

STATE : Maharashtra.

Nagpur, dated the 18th day of August, 1993  
(Dictated in the open Court during the camp Court sitting at Nagpur, from 16th August, 1993 to 20th August, 1993)

## AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour, New Delhi, by order dated 10th December, 1992.

"Whether Shri P. N. Bhojar and 25-Time-Rated (List enclosed) are entitled to get the Clerical Gr. III RD from the date of their working, job rate of office Supdt. to Shri W. M. Khanyar, Sr. Clerk, payment of O.T. to Clerk in accordance with the Driver while sent on tour by the Chief Mining Engineer, W.C. Ltd., New Majri Group of Mines, Wani Area Dist. Chandrapur. If not, to what relief the workmen are entitled to?"

2. The workmen has been duly served with the notice of this reference, and in spite of the service, he has not filed his statement of claim. For the convenience of the workman and the union, the matter was fixed at Nagpur. It was found that there was no appearance on behalf of the union in spite of the service of the notice.

3. In the circumstances, and in the absence of any statement of claim filed by or on behalf of the workmen, it is not possible to proceed with the reference and adjudicate on the point as to what is the basis of the grievance that has been made on behalf of the aggrieved workmen.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 7 सितम्बर, 93

का.ग्रा. 2065:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू साजरी ओपन कास्ट इन्ड्यू सी एल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई-I के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-1993 को प्राप्त हुआ था।

[संख्या एन-22012/152/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी



New Delhi, the 7th September, 1993

S.O. 2065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New Majri open cast, WC Ltd. and their workmen, which was received by the Central Government on 7th September, 1993.

[No. L-22012/152/92-IR (C. II)]  
RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1 AT BOMBAY

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.  
Reference No. CGIT-1/66 of 1992

PARTIES:

Employers in relation to the management of New Majri  
Open Cast, W.C. Ltd.

AND

Their workmen.

APPEARANCES:

For the Management—Shri G. S. Kapoor, Advocate.

For the Workman—Shri D. N. Choubey, General Secretary, SKMS Union (AITUC).

INDUSTRY : Mining. STATE : Maharashtra.

Nagpur, dated the 20th day of August, 1993  
(Dictated in the open Court during the camp Court sitting at  
Nagpur, from 16th August, 1993 to 20th August, 1993)

#### AWARD

The Government of India, Ministry of Labour, New Delhi, has made the following reference to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether Shri Parmanand Choubey, Apprentice is entitled for regularisation from 10th December, 1991 after completion of 240 days of service and payment of wages from 10th December, 1991 to 7th February, 1992 by the Sub Area Manager, New Majri Open Cast, W.C. Ltd., District Chandrapur? If not, to what relief the workman is entitled to?"

The notice of this were issued to the parties. When the matter came up before me for hearing at Nagpur on 17th August, 1993, the learned counsel appearing for the management informed me that there has been a settlement, and the same has been submitted before this Tribunal on 21st December, 1992. It was urged on behalf of the Union by the General Secretary, Shri Choubey, that there has been no proper implementation of the said settlement. Therefore, the matter came to be adjourned to 20th August, 1993. Today, when the matter was called out, Mr. Choubey presented a document dated 1st February, 1992, which is signed by the General Manager W.C. Ltd. on behalf of the Management and the General Secretary of the Union (AITUC) on behalf of the workman. In view of the said settlement arrived at, there is no surviving dispute. Accordingly, the award is passed in terms of the settlement dated 4th December, 1992 and 11th February, 1993 (wrongly typed as 11th February, 1992) Marked as 'A' and 'B' respectively.

R. G. SINDHAKAR, Presiding Officer

#### WESTERN COALFIELDS LIMITED

OFFICE OF THE GENERAL MANAGER, MAJRI AREA  
DISTT. CHANDRAPUR (MS)

Ref. No. WCL. M.A. GM. PER 93/10873 Dated 21-2-1992  
FORM-H

(See Rule 58)

#### FORM OF MEMORANDUM OF SETTLEMENT

- (1) Rept. of Employer :  
Sri M. B. Mathur,  
General Manager,  
WCL, Majri Area.
- (2) Rep. of Workmen :  
Shri D. N. Choubey,  
General Secretary,  
SKKMS (AITUC),  
Majri Area.

(1) The parties beg to submit jointly that the dispute as per Schedule indicated in Order dated 1st October, 1992 of Desk Officer, Ministry of Labour was referred for deciding the following terms by the Hon'ble Courts.

"Whether Sri Parmanand Choubey, Apprentice is entitled for regularisation from 10th December, 1991 after completion of 240 days of service and payment of wages from 10th December, 1991 to 7th February, 1992 by the Sub Area Manager, New Majri Open Cast, W.C. Ltd., Dist. Chandrapur? If not, to what relief the workman is entitled to?"

(2) Shri Parmanand Choubey is notionally regularised as Helper Cat. II with effect from 1st November, 1991, he will be given monetary benefit from 8th February, 1992 i.e. from the date he has been re-allowed after dis-continuance.

(3) The parties have arrived at a joint understanding and Shri Parmanand Choubey has been taken on work/Company's Roll and his regularisation will be effective from the due date/procedure indicated above at item No. (2).

(4) This is full and final settlement in the aforesaid case and no party will re-open the case before any authority.

Sd/-

(M. D. MATHUR)  
General Manager,  
WCL, Majri Area.

Sd/-

(D. N. CHOUBEY)  
General Secretary,  
SKMS Union (AITUC)  
MAJRI AREA

Sd/-

WITNESS :

Sd/-

- (1) B. B. Mishra, Dy. P.M.
- (2) B. Purbey, Hindi Typist

Copy to:—

- (1) Presiding Officer, CGIT-1, Bombay.
- (2) Adtl. CME/Sub Area Manager, NM-OC-SA.

नई दिल्ली, 7 सितम्बर, 1993

का.आ. 2066:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स डब्ल्यू. सी.एल. के प्रवन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं०-I



के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-93 को प्राप्त हुआ था।

[संख्या एच-22012/293/90-आई आर(सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 7th September, 1993

S.O. 2066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. I as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. W.C. Ltd. and their workmen, which was received by the Central Government on 7th September, 1993.

[No. L-22012/293/90-IR (C.II)]

RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

#### PRESENT:

Shri Justice R. K. Sindhakar, Presiding Officer.  
Reference No. CGIT-1/14 of 1991

#### PARTIES:

Employers in relation to the management of M/s. W.C. Ltd., (Durgapur Open Cast Colliery)

#### AND

Their workmen.

#### APPEARANCES:

For the Management—Shri B. M. Prasad, Advocate.  
For the Workman—No appearance.

INDUSTRY : Mining.

STATE : Maharashtra.

Nagpur, dated the 17th day of August, 1993

(Dictated in the Open Court during the Camp Court sitting at Nagpur, from 16th August, 1993 to 20th August, 1993)

#### AWARD

By order dated 7th February, 1991, the Government of India, Ministry of Labour made the following reference to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the dismissal order issued by the Sub Area Manager, Durgapur Open Cast Mine of WC Ltd., PO Durgapur, Dt. Chandrapur (MS) against Shri D. Z. Tayade, Operator, Durgapur Opencast Mine from 14th December, 1989 is legal & justified? If not, to what relief the concerned workman is entitled to?"

2. Statement of claim has been filed on behalf of the Workman, and the Management has filed its reply to the claim made. The dispute between the parties was in respect of the dismissal order passed by the Management.

3. It appears that since after the filing of the statement of claim and the written statement thereto, the parties to the dispute have arrived at a settlement, and the joint petition has been filed in this Tribunal. After a mutual discussion, an agreement has been reached and the same has been incorporated in the petition.

4. It appears that the Workman had not vacated the quarters and handed over the possession of the same to the Management, for which his services came to be terminated. It has been mentioned in the settlement that the workman is to be taken back in service within 15 days from the date of the settlement, and he will be posted in one of the units in

Chandrapur. As per the present settlement the Workman has been taken back in service, without any break, and in view of this, the dispute no more survives for adjudication. Award accordingly.

R. G. SINDHAKAR, Presiding Officer

BEFORE THE PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
NO. 1, BOMBAY

Ref. CGIT-1/14 of 1991

#### BETWEEN

Employers in relation to the Management of Sub Area Manager, Durgapur Opencast Mine of M/s. W.C. Limited

#### AND

Their workman.

#### JOINT PETITION FOR COMPROMISE/CONSENT

#### AWARD

It is most respectfully submitted by the parties as under:—

- (1) That the workman namely Shri D. Z. Tayade was dismissed from the service of M/s. W.C. Ltd. on 14-12-1989 for certain misconduct under the relevant provisions of the Standing Orders applicable to him;
- (2) That on an industrial dispute raised with regard to his dismissal, the Government of India, Ministry of Labour vide their Order No. L-22012(293)/90-IR (C.II) dated 7-2-1991 had made a reference of this dispute to this Hon'ble Tribunal for adjudication which has been listed by the Hon'ble Tribunal as Ref. No. CGIT-1/14 of 1991;
- (3) That while the matter is pending before the Hon'ble Tribunal and the dispute is with regard to his dismissal, the concerned workman namely D. Z. Tayade has approached the employers to mutually settle the dispute through the process of bilateral negotiation;
- (4) That the parties have mutually discussed and negotiated for arriving at a mutual agreement to be signed as a Memorandum of Settlement in Form 'H' of the Industrial Disputes Act, 1947;
- (5) That accordingly the parties have signed a Settlement in Form 'H' on 29-8-92 with the following terms and conditions, thereby settling the dispute bilaterally :—
  - (a) That the workman namely D. Z. Tayade has already vacated and handed over the Quarter No. M/57 to the Management on 27-8-1992.
  - (b) That in view of the position Shri Tayade will be taken back in employment/reappointed within 15 days of the acceptance of the Settlement and will be posted in any of the units/mines of Chandrapur Area, on his reporting for duty;
  - (c) That the workman will not be entitled for any wages, allowances or any other benefit for the period between the date of his dismissal i.e. 14-12-89 and the date on which he is reemployed;
  - (d) That the intervening period i.e. from 14-12-89 till the date of his reemployment, will be treated as absence on the principle of No work No pay;
  - (e) That as a matter of compassion, however, the intervening period as stated in para (d) above, will be treated his continuity of services for the limited purpose of payment of gratuity to him and for no other purpose;

- (f) That since the workman had been away from work for a fairly long time, he will produce a certificate of medical fitness from a doctor of the Company (W.C. Ltd.) at the time of his reporting for duty;
- (g) That the settlement will be treated as full and final in respect of all claim arising out of the industrial dispute referred to above and no further claim will be made by the workman upon the Management/employers in this regard;
- (h) That since the Settlement has been arrived at in a special background, it will not be treated as precedent for any other case;
- (i) That the settlement has been signed in good faith with complete understanding and without any coercion, intimidation or pressure on either side;
- (j) That the parties consider the settlement as just, fair and beneficial to both;
- (k) That the parties shall jointly file a copy of this Settlement before the Hon'ble Tribunal No. 1 in Ref. Case No. CGIT-1/14 of 91 with a prayer to treat the dispute mutually resolved and for giving an Award in terms thereof;

#### PRAYER

The parties, therefore, most respectfully pray as under:—

- (1) That the aforesaid Memorandum of Settlement may graciously be taken on the records of the case and be accepted;

That the Hon'ble Tribunal may graciously treat the aforesaid dispute as resolved mutually between the parties on the terms and conditions as incorporated in the Settlement;

- (3) That the Hon'ble Tribunal be pleased to give a consent award in terms of the aforesaid settlement.

Sd/- Illegible  
Sub Area Manager,

Durgapur Opencast Sub Area.

For and on behalf of the Employers

Sd/-

(D. Z. Tayade), workman.

(1) Witness Sd/- (For the workman)

(2) Witness Sd/- (For the employers)

Sd/- Illegible  
Counsel for the Employers

Encl.: Five Copies of the Memorandum of Settlement.

FORM 'H'

(See Rule 58)

#### MEMORANDUM OF SETTLEMENT

Representing Management :

Shri U. D. Sharma, Sub Area Manager, Durgapur Opencast Sub Area, WCL, Chandrapur Area, Chandrapur.

Representing workman :

Shri D. Z. Tayade, ex-Dozer Operator, Durgapur Opencast mine.

#### SHORT RECITAL OF THE CASE

That Shri D. Z. Tayade was dismissed from the services of M/s. WCL with effect from 14-12-89 for certain misconduct under relevant provisions of the Standing Orders applicable to Durgapur Opencast Project.

Consequent upon the failure of Conciliation, the matter has been referred by Government of India, Ministry of Labour New Delhi vide Order No. L-22012/293/90 IR/C.M. dated 7-2-91 to the Central Government Industrial Tribunal No. 1, Bombay, which has been numbered as CGIT-1/14 of

1991. While the matter is pending before the Hon'ble Tribunal and the dispute is with regard to the dismissal of Shri D. Z. Tayade, the workman concerned has approached the Management for settling the case mutually through the process of bilateral negotiations.

That the workman Shri D. Z. Tayade has already vacated Quarter No. M/57 at Durgapur Opencast colony, which was unauthorisedly occupied by him and handed over the vacant possession of the quarter to the Management on 27-8-92.

That the matter was discussed at length on several dates and finally 29-8-92 wherein both the parties have agreed to settle the case fully and finally on the following terms and conditions :

#### TERMS OF SETTLEMENT

1. That in view of the position Shri Tayade will be taken back in employment/reappointed within 15 days of the acceptance of the Settlement and will be posted in any of the units/mines of Chandrapur Area, on his reporting for duty.
2. That the workman will not be entitled for any wages, allowances or any other benefits for the period between the date of his dismissal i.e. 14-12-89 and the date on which he is reemployed;
3. That the intervening period i.e. from 14-12-89 till the date of his reemployment will be treated as *dies non* on the principle of 'No work No pay';
4. That as a matter of compassion, however, the intervening period as stated in Para-3 above will be treated as his continuity of services for the limited purpose of payment of gratuity to him and for no other purpose;
5. That since the workman had been away from work for a fairly long time, he will produce a certificate of medical fitness from a doctor of the Company (W.C. Ltd.) at the time of his reporting for duty;
6. That the Settlement will be treated as full and final in respect of all claims arising out of the industrial dispute referred to above and no further claim will be made by the workman upon the Management/employer in this regard;
7. That since the settlement has been arrived at in a special background, it will not be treated as precedent for any other case;
8. That the parties consider the settlement as just, fair and beneficial to both;
9. That the parties shall jointly file a copy of the Settlement before the Hon'ble Tribunal No. 1 in Ref. case No. CGIT-1/14 of 91 with a prayer to treat the dispute mutually resolved and for giving a Consent Award in terms thereof.

Place : Chandrapur

Date : 29-8-1992.

Sd/- (U. D. Sharma)

Sub Area Manager

Durgapur Opencast Sub Area

Sd/- (D. Z. Tayade), ex-Dozer Operator,  
Durgapur Opencast Mine.

(1) Witness Sd/- (For the workman)

(2) Witness Sd/- (For the Employer).

नई दिल्ली, 7 सितम्बर, 1993

का.आ. 2067:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार इन्ड्लू.सी.एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, प्रबन्ध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई-1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-93 को प्राप्त हुआ था।

[संख्या एल-22012/74/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 7th September, 1993

S.O. 2067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C. Ltd., and their workman, which was received by the Central Government on 7-9-1993.

[No. L-22012/74/92-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer

Reference No. CGIT-1/71 of 1992

PARTIES :

Employers in relation to the management of W.C. Ltd.,  
Ballarpur Sub Area.

AND

Their Workmen.

APPEARANCES:

For the Management—Shri B. N. Prasad, Advocate.

For the Workmen—No appearance.

INDUSTRY : Mining : STATE : Maharashtra.

Nagpur, dated the 19th day of August, 1993

(dictated in the open Court during the camp Court sitting at Nagpur, from 16th August, 1993 to 20th August, 1993.)

AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour, by order dated 2-11-1992. The reference is to the following effect.

"Whether the termination/dismissal of the nine workmen (list enclosed) on the charges of absenteeism by the Sub Area Manager, W.C. Ltd., Ballarpur Sub Area and the Sub Area Manager, Sassti Sub Area respectively are justified and legal? If not, to what relief the workmen are entitled to?"

2. After receipt of the notice of this reference, statement of claim has been filed on behalf of the workmen. As many as 9 workmen are aggrieved.

3. The management replied to the statement of claim by its written statement dated 21-5-1993.

4. For the convenience of the parties, the sitting was fixed at Nagpur, and the notice was sent. An attempt to serve the notice on the Union failed and the endorsement shows that it was ultimately returned to the sender since not claimed. In the circumstances, it is not possible to have the representative of the Workmen before this Tribunal.

5. There is no material adduced to justify the claim made.

6. On behalf of the management, written statement was filed as early as in the month of July, 1993. No reply has been filed to this, nor adduced any evidence thereafter.

7. It appears that they are no more interested in pursuing with the reference, and therefore, award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 7 सितम्बर, 1993

का.आ. 2068 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स लेब्यू सी एल के प्रबन्धसत्त्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई-1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-93 को प्राप्त हुआ था।

[संख्या एल-22012/336/90-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 7th September, 1993

S.O. 2068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. W.C. Ltd., and their workmen, which was received by the Central Government on 7-9-93.

[No. L-22012/336/90-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-1/92 of 1990

PARTIES:

Employers in relation to the management of M/s. W.C. Ltd. (Chanda Rayatwari Sub Area).

AND

Their workmen.

APPEARANCES:

— For the Management—Shri G. S. Kapoor, Advocate.

For the Workman—Shri G. V. R. Sarma, Secretary, RKKMS (INFC).

INDUSTRY : Mining

STATE : Maharashtra.

Nagpur, dated the 17th day of August, 1993

(dictated in the open Court during the camp Court sitting at Nagpur, from 16th August, 1993 to 20th August, 1993).

AWARD

The dispute between the management and the workman has been referred to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, by the Government of India, Ministry of Labour, by order dated 14-11-1990. The reference is to the following effect.

"Whether the action of the Sub Area Manager, Chanda Rayatwari Colliery of M/s. W.C. Ltd., Distt. Chandrapur (MS) in dismissing from the services of Shri Badrinath, S/o Ramprasad, Mining Sirdar/ Safety-cum-production Asstt. w.e.f. 30-12-1989 is legal and justified? If not, to what relief the workman concerned is entitled to?"

2. Statement of claim has been filed by the Workman, challenging the order of dismissal against him by the Management.

3. The Management and the workman have resolved the dispute and the settlement has been filed, which has been duly signed by the Workman and the Management. It has been stated in the settlement that the Workman will be entitled to the post which he was holding at the time of his dismissal, and he will also be entitled to receive the basic wages which he was drawing at the time of his dismissal. The other terms and conditions have also been incorporated in the terms and conditions have also been incorporated in the terms of settlement. In view of the settlement reached, both the parties have requested as per the provisions under section 10, to treat the dispute as mutually resolved and in view of this an award be passed in terms of the settlement arrived at between the parties. The terms of settlement have been produced and marked as Annexure 'A'. Award in terms of the settlement

R. G. SIDHAKAR, Presiding Officer

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1  
BOMBAY

Reference : Case N. CGIT-1/92 of 1990

#### PARTIES:

Employers in relation to the Management of Sub Area Manager, Rayatwari Sub Area of M/s Western Coalfields Limited.

#### AND

Their workman represented by Secretary, Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), Chandrapur.

Joint Petition for Compromise/Consent Award.

It is most respectfully submitted by the parties as under:

1. That the Central Government by its Order dated 14-11-96 has referred the following Industrial Dispute to this Hon'ble Tribunal :

"Whether the action of the Sub Area Manager, Chanda Rayatwari Colliery of M/s Western Coalfields Ltd., Chandrapur (M.S.) in dismissing from the services of Shri Badrinath S/o Ramprasad, Mining Sirdar/Safety-cum-Production Assistant w.e.f. 30-12-88 is legal and justified? If not, to what relief, the workman concerned is entitled?"

2. That while the matter is pending before this Hon'ble Tribunal, the workman and the Union concerned have approached the Employer to mutually settle the dispute through the process of bilateral negotiations.

3. The parties have mutually discussed this matter and a Settlement in Form 'H' has been signed by the parties on 27-5-93, according to which, this dispute has been fully and finally settled.

4. That copies of this Settlement arrived at in Form 'H', are submitted herewith.

#### PRAYER

The parties most respectfully pray as under :

1. That the aforesaid Memorandum of Settlement may graciously be taken on the records of the case and be accepted.

2. That the Hon'ble Tribunal may graciously treat the aforesaid dispute as resolved between the parties on the terms and condition, as incorporated in the Settlement.

3. That the Hon'ble Tribunal be pleased to give a Consent Award in terms of the aforesaid Settlement.

(G. V. R. Sarma)

Secretary, RKKMS (INTUC)

Chandrapur

(Badrinath Ramprasad)

Workman

Encl : FIVE copies of the  
Memorandum of Settlement.

Sd/-

For and on behalf of the Employer.

Sub Area Manager

Rayatwari Sub Area

#### FARM 'H'

(See Rule 58)

#### MEMORANDUM OF SETTLEMENT

Representing Management :—

- (1) Shri J. K. Bigharia, Sub-Area Manager, Rayatwari Sub-Area, Western Coalfields Limited, Chandrapur Area, District : Chandrapur (M. S.).
- (2) Shri W. P. Gurwe, Personnel Manager, Western Coalfields Limited, Chandrapur Area, District : Chandrapur (M. S.).

Representing Workman :—

- (1) Shri G. V. R. Sarma, Secretary, R.K.K.M.S. (INTUC), District : Chandrapur (M.S.).
- (2) Shri Badrinath S/o Ramprasad, Ex. Mining Sirdar/Safety-cum-Production Assistant, Chanda Rayatwari Colliery.

#### SHORT RECITAL OF THE CASE

Shri Badrinath S/o. Ramprasad, ex. Mining Sirdar/Production-cum-Safety Asst., Chanda Rayatwari Colliery was dismissed from services of Western Coalfields Limited with effect from 30-12-1989 for certain mis-conducts under relevant provisions of Standing Orders applicable to Chanda Rayatwari Colliery.

Consequent upon failure of Conciliation, the matter was referred by Government of India, Ministry of Labour New Delhi, vide Order No. L-22012 (336)/90-IR (C. II), dated 14-11-1990 to the Central Government Industrial Tribunal-I, Bombay which has been numbered as CGIT/92/90. While the matter is pending before the Hon'ble Tribunal, the workman concerned and the Secretary, RKKMS approached the Management for settling the case mutually through the process of Bilateral negotiations.

The matter was discussed at length on several occasions and finally today, the 27th May 1993, wherein both the parties have agreed to settle the case fully and finally on the following terms and conditions :

#### TERMS OF SETTLEMENT

1. That Shri Badrinath S/o. Ramprasad will be taken back in employment on the post held by him at the time of his dismissal i.e. Mining Sirdar/Production-cum-Safety Asst. and will be posted in Ballarpur Area of Western Coalfield Limited. He will report for duties to General Manager, WCL Ballarpur Area within 30 days of signing of this Settlement and after observing necessary formalities.
2. That on re-employment in terms of this Settlement Shri Badrinath will be entitled to receive the basic wage held by him at the time of his dismissal.
3. That the period of his idleness i.e. from 30-12-89 till the date of his actually joining duties at Ballarpur Area in terms of this Settlement, shall be treated as dies non on the principle of "No work No pay" and he will not be entitled for any wages, allowance or any other benefits for the said period.
4. That on his joining duties at Ballarpur Area in terms of Settlement, Shri Badrinath will be on probation for a period of one year from the date of joining his duties, during which period, his conduct and performance will be closely watched. If the performance is found satisfactory his services will be confirmed and he will be given continuity of service for the Limited purpose of gratuity only.
5. That recurrence of any mis-conduct by Shri Badrinath in future will be viewed seriously and RKKM (INTUC) will not take up his case and Shri Badrinath will submit a written undertaking before joining his duties of better conduct, work in future duly countersigned by the Secretary, RKKMS.

6. That this Settlement shall be treated as full and final in respect of claims arising out of the industrial Disputes referred to above and no further claim will be made by the workman/Union upon the Management/Employer in this regard.
7. That Shri Badrinath will go to the Tribunal for necessary verification on his own cost whenever required by the Hon'ble Tribunal.
8. That this Settlement shall not be treated as precedent in any other case.
9. That the parties consider this Settlement as just and fair.
10. That the parties shall jointly file a copy of the Settlement before the Hon'ble Tribunal No. 1, Bombay with a prayer to treat this dispute mutually resolved and for giving a Consent Award in terms thereof.

Sd./- Illegible.

G.V.R. SARMA, Secy. RKKMS (INTUC) Chandrapur

Sd./- Illegible.

(BADRINATH RAMPRASAD) Workman.

Sd./- Illegible.

(J.K. BIGHARIA), Sub-Area Manager, Rayatwari Sub-Area.

Sd./- Illegible.

(W.P. GURWA 27/5), Personnel Manager, AHQ Chandrapur Area.

Place : Chandrapur.

Date : 27-5-1993.

Witnesses :

1. Sd/- Illegible
2. Sd/- Illegible

(For workman).

(For Management).

Date : 27th May, 1993.

No. WCL, CHA, GM, PER : 2451.

Distribution :—

1. The Asstt. Labour Commissioner (Central), Kasturba Road, Chandrapur (M.S.).
2. The Regional Labour Commissioner (Central), CPWD Complex, Seminary Hills, NAGPUR (M.S.).
3. The Chief Labour Commissioner (Central), Shramshakti Bhavan, Rafi Marg, New Delhi.
4. Secretary to Government of India, Ministry of Labour, Shramshakti Bhavan, Rafi Marg, New Delhi.
5. Parties concerned.
6. General Manager (IR), WCL, Nagpur.

—Under Certificate of Posting—

This has reference to his letter No. WCL/IR/SECTT/93/414, dated 20-5-1993.

नई दिल्ली, 7 सितम्बर, 1993

का.आ. 2069 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इल्यूसी एल के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सम्बर्द्ध-1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-93 को प्राप्त हुआ था।

[संख्या एल-22012/92/90-आई आर(सी-II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 7th September, 1993

S.O. 2069.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. I, as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on 7-9-1993.

[No. L-22012/92/90-IR (C-II)]

RAJA LAL, Desk Officer.

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

#### PRESENT :

Shri Justice R. G. Sindhakar,  
Presiding Officer

Reference No. CGIT-1/63 of 1990

#### PARTIES :

Employers in relation to the management of  
W. C. Ltd. (Ballarpur Opencast Sub-Area)

AND

Their workmen

#### APPEARANCES :

For the Management.—Shri G. S. Kapoor,  
Advocate.

For the Workman.—Shri G. V. R. Sharma, Sec-  
retary of R.K.K.M.S. (INTUC).

#### INDUSTRY

—Mining

#### STATE

—Maharashtra

Nagpur, dated the 16th day of August, 1993  
(dictated in the open Court during the camp Court  
sitting at Nagpur, from 16-8-1993 to 20-8-1993).

#### AWARD

The following reference has been made to this  
Tribunal by the Government of India, Ministry of  
Labour, order dated 26-8-1990.

“Whether the termination of services of Shri  
Prem Narayan Yadav, Casual Labour by  
the Sub Area Manager, Ballarpur Colliery  
Sub-Area of W. C. Ltd., Dt. Chandrapur  
(MS) even after putting 240 days attendance  
in the year 1984 is justified, If not, to what  
relief the concerned workman is entitled to?”

Statement of claim has been filed, and written  
statement on behalf of the management has also been  
filed. When the matter came up before me for hear-  
ing, the parties informed me, that the dispute raised  
has been settled out of Court and Mr. Prem Narayan  
Yadav has been appointed as Badlec Worker vide  
appointment letter dated 19-10-1991. In view of this,  
the dispute between the parties has been settled and  
does not survive. Reference is disposed off, and  
award accordingly.

R. G. SINDHAKAR, Presiding Officer

BEFORE THE HON'BLE PRESIDING OFFICER,  
CGIT-1, BOMBAY

By Regd. A/D

Ref. Case No. CGIT/63/90

Management of Ballarpur Colliery of Western  
Coalfields Limited P. O. Ballarpur Distt.  
Chandrapur (MS)

VERSUS

Workman Side

(1) Shri G. V. R. Sharma, Secretary RKKMS  
(INTUC).

(2) Shri Prem Narayan Yadav.

An Application for consent Award on the basis  
of Mutual Settlement Arrived at by the  
above parties in the above case.

1. Both the parties in the above case jointly submit  
that the above reference was mutually discussed  
amongst themselves and arrived at a mutual settle-  
ment on 1-11-1991.

2. Both the parties have fully and finally resolved  
the present Industrial Dispute and pray for consent  
award of the Hon'ble Tribunal on the basis of enclos-  
ed mutual settlement.

Prayer : It is, therefore, most respectfully prayed  
by both the parties that Hon'ble Presiding  
Officer, CGIT, No. 1 Bombay may please  
give consent award of the above case on  
the basis of settlement. Settlement placed  
below :—

Sd/-

PERSONNEL MANAGER  
(Ballarpur Area)

Sd/-

1. Shri G.V.R. Sharma, Secy. RKKMS (INTUC)  
Sd/-

2. Shri Prem Narayan Yadav

FORM—H  
(See Rule 58)

#### MEMORANDUM OF SETTLEMENT

Representing Employer :

Shri B. K. Shrivastava,  
Personnel Manager,  
Western Coalfields Ltd.  
Ballarpur Area,  
P. O. Ballarpur,  
Distt. Chandrapur (MS).

Workmen Side :

(1) Shri G. V. R. Sharma,  
Secretary, RKKMS (INTUC),  
Chandrapur Area.

(2) Shri Prem Narayan Yadav.

#### SHORT RECITILE OF THE CASE

At the instance of the Industrial Dispute raised by  
the workman, the Central Government has made the  
reference to the Hon'ble Central Government Indus-  
trial Tribunal, No. 1, Bombay vide case No. CGIT/  
63/90.

With a view to build up more harmonious and cor-  
dial relations and in order to avoid litigation, it has  
been considered necessary to make every effort to re-  
solve the dispute amicably and accordingly the higher  
authority has been pleased to accord his sanction for  
giving employment to Shri Prem Narayan Yadav vide  
letter No. WCL/IR/MIN/MSR/17/CGIT-874 dt.  
19-10-91. The parties have, therefore, agreed to set-  
tle the dispute on the following terms and conditions.

#### TERMS OF SETTLEMENT

1. Shri Prem Narayan Yadav shall be given em-  
ployment in any of the mines of Ballarpur Area as  
Badli Worker Cat. I subject to his medical fitness to  
be certified by Company's Doctor;

2. Shri Prem Narayan Yadav shall not be entitled  
for any back wages or any other monetary benefits  
whatsoever for the period of his idleness;

3. This is full and final settlement and there shall  
not be any claim whatsoever for the past by him;

4. Both the parties shall file the settlement before  
the CGIT No. 1, Bombay for consent award.

Sd/-

(G. V. R. Sharma)  
Secretary, RKKMS (INTUC)  
(Prem Narayan Yadav)

Sd/-

B. K. SHRIVASTAVA, Personnel Manager  
Sd/-

Witness

1.

2.

Date : 1-11-91.

BEFORE THE PRESIDING OFFICER, CENTRAL  
GOVT. INDUSTRIAL TRIBUNAL NO. 1,  
BOMBAY

Reference No. CGIT-1/63 of 1990

The Management of Western Coalfields Limited,  
Ballarpur Sub Area, would like to humbly state as  
under that the person concerned in the dispute Shri  
Prem Narayan Yadao has been appointed as Badli  
Worker Cat. I vide appointment letter No. WCL/BA/  
GM/PER/16380 dtd. 5-11-91 of the Personnel Man-  
ager, Ballarpur Area (copy enclosed).

That Shri Prem Narayan Yadao, has accepted the  
terms and conditions of the aforesaid appointment  
letter and he is presently working at Sastri Opencast  
Mine.

The Hon'ble Presiding Officer is requested to pass the orders for closure of the case.

Sd/-

FOR AND ON BEHALF OF THE  
MANAGEMENT OF BALLARPUR  
SUB AREA.

Date :

Place : Ballarpur.

नई दिल्ली, 7 सितम्बर, 1993

का.आ. 2070 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इन्डियन बैंक के पञ्चवर्ष के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर के पञ्चवर्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-93 को प्राप्त हुआ था।

[संख्या एल-12012/13/91-आई आर बी-2]

बी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 7th September, 1993

S.O. 2070.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 7-9-1993.

[No. L-12012/13/91-IRB II]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL CUM LABOUR COURT,  
BANGALORE

Dated this 30th day of August 1993

PRESENT :

Shri M. B. Vishwanath, B. Sc., B.L.,  
Presiding Officer

Central Reference No. 76/1991

I Party

V. S. Kolar,  
S/o S. V. Kolar,  
Ex. Tiny Deposit Agent.  
(Pigmy Collector).  
r/o H. No. 7-4-42,  
Gajagarpet,  
Raichur-584101.

V/s

II Party

The Branch Manager,  
Indian Bank,  
Guni Road,  
Raichur-584101.

## AWARD

In this reference made by the Hon'ble Central Govt. by its order No. L. 12012/13/91-IR B. II, Dt. 28-10-91 under Sec. 10 (2A) (1) (d) of the I. D. Act the point for consideration as per schedule to reference is :

"Whether the action of the management of Indian Bank in terminating the services of Sh. V. S. Kolar s/o S. V. Kolar, Tiny Deposit Agent (Pigmy collector) is justified ? If not, to what relief the workman is entitled to ?"

2. It is not necessary to summarise the pleading since the matter has been compromised.

3. On 26-8-93 a joint memo, reporting compromise has been filed. The Learned counsel for the I party and the Learned counsel for the II party were present. On behalf of the II party Deputy Chief Officer Sri Ventugopal was present. All these three persons have signed the memo.

4. Bearing in mind the joint memo I pass the following order :—

## ORDER

The II party is directed to re-engage the I party subject to the Judgment in W. P. 1178/90 pending before the Hon'ble High Court of Andhra Pradesh. The I party is not entitled to any back wages. Reference accepted as stated herein. The Joint memo shall form part of the award. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 30th day of August 1993).

Sd/-

M. B. VISHWANATH, Presiding Officer

IN THE COURT OF THE CENTRAL INDUS-  
TRIAL TRIBUNAL AND LABOUR COURT AT  
BANGALORE

C. R. No. 76/91

First Party :

V. S. Kolar.

VS

Second Party :

Indian Bank

## JOINT MEMO

1. That the First Party hereby agrees that he will abide by the Judgement which would be passed by the Hon'ble High Court of Andhra Pradesh in Writ Petition No. 1178/90 pending before it and filed by Indian Bank Association against the award passed by the Industrial Tribunal Hyderabad in the matters of tiny deposit collectors.

2. The First Party gives up all its claim towards the backwages and cause in the Dispute No C. R. 76/91 pending before the Industrial Tribunal, Bangalore.

3. That the Second Party agrees to re-engage the First Party subject to the judgement to be rendered in the Writ Petition referred to above as has been done

in the case of Tiny Deposit Agents coming under the aforesaid award.

Sd/-

Advocate for IInd Party  
Bangalore,

Dt. 26-8-1993.

Sd/-

Advocate for 1st Party.

Sd/-

2nd Party.

Y. V. VENUGOPAL  
Deputy Chief Officer  
Indian Bank,  
Regional Office,  
Hubli.

नई दिल्ली, 7 सितम्बर, 1993

का.ग्रा. 2071 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ बड़ौदा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-1993 को प्राप्त हुआ था।

[संख्या एन-12012/100/83-डो-2 (ए)]

वा.के.वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 7th September, 1993

S.O. 2071.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 7-9-1993.

[No. L-12012/100/83-D IIA]

V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 59 of 1983

#### PARTIES :

Employers in relation to the Management of  
Bank of Baroda

AND

Their Workmen

#### PRESENT :

Mr. Justice Manash Nath Roy—Presiding Officer,

#### APPEARANCE :

On behalf of Management—Mr. L. N. Basak,  
Senior Manager (Personnel) with Mr. D. P.  
Bose, Personnel Officer.

On behalf of Workmen—Mr. Rajen Nagar,  
General Secretary of the Union.

State : West Bengal.

Industry : Banking.

#### AWARD

In respect of the justifiability or otherwise, in superseding nine employees (hereinafter referred to as the said employees), as mentioned in the Schedule to the order of Reference, to the post of Assistant Cashier, Brabrouns Road Branch of Bank of Baroda (hereinafter referred to as said Bank), with effect from November 6, 1981 and November 17, 1981 respectively and in not promoting them, from the date they were superseded and to what relief, if any, they would be entitled, was in issue in the case, which was referred for adjudication by Order of Reference No. L-12012/100/83-D.II(A) dated December 14, 1983, as made under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act).

2. The case of the said employees was represented by the Bank of Baroda Employees' Union (hereinafter referred to as the said Union), from whose written Statement, as filed on March 19, 1985, it will appear that the said Bank engages Head Cashier, Category 'C' in all its Branches, apart from Employing Assistant Head Cashier in the Branches, which are having five or more Cash Clerks and whose combined designations, include the designation of Cash Clerks. According to the said Union, such appointment of Head Cashier, Category 'C' is made according to the provisions of Memorandum of Settlement dated October 3, 1978 (hereinafter referred to as the said 1978 Settlement), between the said Bank and All India Bank Employees' Federation, as circulated and/or ordered for implementation by the said Bank, in terms of the Circular dated October 3, 1978.

3. It was stated by the said Union that the procedure for appointment of Head Cashier, Category 'C', is governed by the Clauses of the said Settlement, as indicated hereafter. According to the said Union, Clause 7.5 states that such appointment should be made on seniority basis and Clause 7.6(a) and (b). In fact, in Clause 7.6(a) it has divided the Branches in two categories for the purpose of fixing seniority of candidate and Clause 7.6(b) states that for the purpose of this clause, the Branches in the State or Administrative Region, whichever is smaller, will be divided into following Categories, and Category (A) includes Cities/Town/Places, which have more than one Branch or where a second Branch is to be opened and Category (B) indicates amongst others, other Cities/Town/Places, which have only one Branch. According to the said Union, Clause 7.6(b) which lays down, where a vacancy of Head Cashier, Category 'C' is to be filled in a place at Category (A) i.e. where there is more than one Branch or a Second Branch is to be opened, appointment of Head Cashier Category 'C', will be made on Citywise seniority among the eligible Cash Clerks or Clerks, whose combined



designation includes the designation of Cash Clerks and who have given security deposit without calling for any application, and as the Sodepur Branch falls within Metropolitan City of Calcutta and also treated as the City of Calcutta for all intents and purposes by the said Bank, so the said Clause 7.6(b), will apply in this case.

4. According to the said Union, the criteria for determination of seniority is governed by Clause 8.1 of the said settlement as indicated hereinbelow

Clause 8.1—For the propose of this settlement, seniority inter-se would be determined on the following basis.

- (a) Where the basic pay of two or more Candidates is the same the one whose increment falls due earlier will be considered senior.
- (b) Where such Candidates have the same basic salary and have joined the service on the same date, the one whose increment falls due earlier will be considered as senior.
- (c) Where two or more Candidates having the same basic salary have joined on the same date and their dates of increment is the same, the one who was born earlier will be considered senior.

It has also been stated that the said Bank maintains seniority list, in terms of the above clause.

5. The said Union has stated that on or about November 6, 1981, the said Bank appointed A. R. Sarkar, Cash Clerk, who at the relevant time, was attached to Girish Park Branch, as Head Cashier Category 'C' at Sodepur Branch, which area is within Category 'A', in terms of Clause 7.6(a) of the said Settlement, superseding Sri Karuna Sagar Sarkar, who was then acting temporarily as Head Cashier, Category 'C', at Sodepur and was senior to the said Sri Sarkar. It has been stated that as the appointment of said Sri Sarkar, to the concerned post at Sodepur, was made wrongfully and in violation of the said Settlement, exceptions were raised, stating that the said Sri Sarkar was wrongfully superseded and it was further informed to the Regional Manager and to the Manager, Sodepur Branch, about injustice that has been practiced or caused, with a further request to rectify the position, by making arrangements by appointing, in terms of the said Settlement. It has also been alleged that neither the said Bank nor the Regional Manager had redressed the grievances as raised or considered the grievances, as made. It was the further case of the said Union that Head Cashier, Category 'C5', carries a payment of Special Allowance and other consequential benefits per month and he said Sri Karuna Sagar Sarkar, thus suffered and forced to face financial loss, due to such wrongful act of the said Bank, in posting Sri A. R. Sarkar, to the concerned post. It has of course been pointed out that subsequently, on February 7, 1983, the said Bank had appointed Sri Karuna Sagar Sarkar to the post of Head Cashier, Category 'C', at Camac Street Branch. Thus, it has also been alleged that Sri Karuna Sagar

Sarkar was wrongfully denied his just claim to the said Special Allowance, attached to the post, from November 6, 1982 to February 6, 1983 and the total effect of such loss of wages would be about Rs. 2,800. It was the case of the said Union, in or about November 1980, the said Bank created the post of Assistant Head Cashier in various Branches in West Bengal and made appointments to such post, adopting the same norms and procedure, in terms of the said settlement, in the matter of appointment of Head Cashier, Category 'C' and such appointments, were made on the basis of seniority.

6. It was also the case of the said Union that on or about January 10, 1981, the said Bank appointed one K. K. Chatterjee of Ultadange Branch, as Assistant Head Cashier in the Branch of Brabroune Road, with effect from November 17, 1980, superseding the following :—

1. Sri A. R. Sarkar of Girish Park Branch, Calcutta.
2. Sri Ashok Ghatak Chowdhury of College Street Branch, Calcutta.
3. Sri Sidhartha Basu of M.G. Road Branch, Calcutta.
4. Sri A. K. Chakraborty of Paipukur Branch, Calcutta.
5. Sri Debabrata Bhattacharjee of India Exchange Place Branch, Calcutta.
6. Sri Sudip Mukherjee of India Exchange Place Branch, Calcutta.
7. Sri Pranab Kumar Saha of Manicktalla Branch, Calcutta.
8. Sri Aloke Dubey of Brabourne Road Branch, Calcutta.
9. Sri A. N. Kolay of Burrabazar Branch, Place Branch, Calcutta.

It has been alleged that such appointment of Sri Chatterjee, was wrongful and in violation of the necessary norms. It was further alleged that the post of Assistant Head Cashier, also carries Special Allowance per month and due to such wrongful appointment of Sri Chatterjee at Brabourne Road Branch, they, not only violated the norms and procedure, but the same caused financial loss to the 9 workman as mentioned earlier.

7. It was the case of the said Union, immediately on happening the things as above, after necessary representation, dispute was duly raised and on failure of conciliation, the present Reference was made and during the course of such conciliation, there was such statements made or stand taken by the said Bank, the particulars whereof are indicated in paragraph hereafter.

8. On the specific facts as indicated earlier, it was claimed that the action of the said Bank, in superseding Sri K. S. Sarkar, at the time of appointment of Head Cashier, Category 'C' at Sodepur, was unjust, unlawful and was made, in violation of the said Agreement and their action, in superseding Sri A. R. Sarkar and 8 others as mentioned in the Schedule to the

order of Reference, also suffered from such defects as indicated earlier and then, it has been prayed the action of the said Bank, in respect of Sri K. S. Sarkar, including those, refusing the promotions, should be declared as unjust, unlawful and void and the said Sri K. S. Sarkar, be directed to be promoted to the post of Head Cashier, Category 'C', with necessary benefits from the date of his supersession on November 6, 1981. Similar directions were also asked for, in respect of Sri A. R. Sarkar and 8 others.

9. In the Written Statement, filed on May 31 1989, the said Bank has not categorically denied the relevant facts and pleadings in the Written Statement of the said Union and also the fact that in the course of conciliation proceedings, the said Bank had submitted that due to genuine mistake on their part, the workmen were superseded and also agreed, to promote and/or appoint them to the posts of Assistant Head Cashier/Head Cashier, as and when vacancy would arise.

10. In fact, the said Bank has stated that the Bank Employees are governed by Awards, like Sastri and Desai Awards and so also, by Bipartite Settlements, as evolved from time to time, in addition to the provisions of Bipartite Settlements, the relevant particulars are indicated hereafter, they have also taken the stand that it will appear from the provisions of such settlement as indicated that the intent of the said Agreement, was to confine the scope within the specific performance and selection of Head Cashier, Category 'C' and that the claim for Special Allowance for Head Cashiers under the settlement, by virtue of seniority, has no basis, as there was no assignment and performance of the additional duties or responsibilities by the claimants and Sri K. S. Sarkar and others at no point of time had performed duties of Head Cashier and further, the claim for Special Allowance under section 33C(2) of the said Act, by the applicant, was dismissed by the Central Government Labour Court, Calcutta. It has also been indicated that Sri K. S. Sarkar and others, as on date viz. May 31, 1989, were working as Head Cashier in various Branches of the said Bank at Calcutta and thus, they cannot have any grievance.

11. In addition to the above, the said Bank has said that Chapter-V of the Bipartite Settlement dated October 19 1966, as amended upto date, deals with Special Allowance and paragraph 1 in Clause 5.2 of Chapter-V lays down, the specific duties and responsibilities, for which Special Allowance is paid. It was also the case of the said Bank that Clause 5.6 of that Settlement, indicates that Special Allowance is provided to compensate the employee, for performing and discharging certain additional duties and functions, requiring greater skill or responsibilities, over and above the routine duties and functions. The stand of the said Bank, do get support from the evidence of WWs 1, 2 and 3. According to the statement of the said Bank, it will appear that under Clause 5.8 of the Settlement as above, a workman will be entitled to Special Allowance, if he is required to perform duties or undertakes responsibilities earmarked against the categories, irrespective of designation, nomenclature or any general authority, as vested and Clause 5.11

provides that wherever the said Bank requires a workman to work, in a post carrying Special Allowance, that will normally be done, by an order in writing, and further, the said Agreement provides the mandates of selection of Head Cashier, Category 'C' and necessary norms for the same.

12. It has thus been indicated by the said Bank that it will be clear from the above that the intentions of the said Agreement, was to confine the scope within the specific performance and selection of Head Cashier, Category 'C' and so, the claim for Special Allowance for such post under the terms as above, above, by virtue of seniority, has no basis, as there was no assignment and performance of additional duties and responsibilities, in this case. It has further been stated that Sri K. S. Sarkar and others, at no point of time, had performed duties of Head Cashier, and further, such claim for Special Allowance, was earlier dismissed as indicated. In view of the above circumstances and in view of the fact that Shri K. S. Sarkar and others are already working as Cashier at various Branches of the said Bank at Calcutta, this Reference should be dismissed.

13. On the basis of the evidence as tendered, only on behalf of the said Union, the position regarding the right to get Special Allowance for special circumstances, is admitted by the said Bank, who on July 6, 1992 elected, not to tender any evidence.

14. On facts and the evidence as indicated, the said Union claimed that the supersession of Sri K. S. Sarkar by Sri A. R. Sarkar and that of Sri A. R. Sarkar and others, were in fact, illegal and void, as such acts or actions were contrary to all norms and contrary to the terms and spirit of the said Agreement. It was argued that the said Bank has practically admitted the case of the said Union as made in paragraph 11 of their Written Statement and has only stated that a mistake in the matter was committed and such mistake was not rectified in time. The above was the stand taken by the said Union in respect of Sri K. S. Sarkar and similar was also their stand in respect of the cases of Sri A. R. Sarkar and 8 others. In view of the above cases of supersession, according to the said Union and that too rightly, the only question would be, what relief the employees concerned would be entitled to now? Such submissions were made as according to the said Union, the fact of supersession was admitted. The said Union contended that the dismissal of the concerned application under section 33C(2) of the said Act, would not be a bar in entertaining this Reference, as the said section 33C(2) proceedings, was rejected as not maintainable and that too without going into the merits.

15. Apart from the question of non-maintainability of the Reference for dismissal of the Application under section 33C(2) of the said Act, which I find to be not substantial and material, the said Bank has agreed that posting in a Special Allowance post or holding a post carrying Special Allowance, will not be a case of promotion and a person holding such post receives no right. On the basis of the evidence of WWs 1 and 4, it was claimed that the cases here, are not cases of promotions and if any contrary view

is taken, that will frustrate the Bipartite Settlement, as mentioned earlier.

16. On the basis of available materials, records and evidence, I find that Special Allowance postings, only give the right to receive Special Allowance for the special duties performed and no further or better right. It is also a fact that such postings cannot be equated with or considered as promotions. The two sets of employees have, neither got their desired and necessary postings and as such, they will be entitled to necessary payments of Special Allowances, if they are payable, from the date of such postings. If they have not as yet received such and necessary allowances, they should be paid such allowance forthwith. Such present postings of the concerned employees, do correspond with the stand of the said Bank, that they will be given such and due postings and promotions in their turn and as and when occasions would arise.

17. In view of the above, the Reference is disposed of as above.

18. This is my Award.

MANASH NATH ROY, Presiding Officer

Dated, Calcutta,

The 25th July, 1993.

नई दिल्ली, 8 सितम्बर, 1993

का.आ. 2072:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ कोचीन लिमिटेड के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, तमिलनाडू, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-93 को प्राप्त हुआ था।

[संख्या एल-12012/49/84-डी-4 (ए)]

एस.एस.के. राव, डेस्क अधिकारी

New Delhi, the 8th September, 1993

S.O. 2072.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Cochin Limited and their workmen, which was received by the Central Government on the 7-9-93.

[No. L-12012/49/84-D-IV(A)]

S. S. K. RAO, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMILNADU, MADRAS

Monday, the 12th day of July, 1993

PRESENT :

Thiru K. Sampath Kumaran, B.A.B.L.,  
Industrial Tribunal

Industrial Dispute No. 50/1985

(In the matter of the dispute for adjudication under Section 10 (1) (d) of the Industrial Disputes Act, 1947 between the workmen and the Management of M/s. Bank of Cochin Ltd., Cochin-18).

BETWEEN

Shri Davies Paul Nellissery,  
1/4, Big Bazar,  
Olarikara,  
Trichur (Kerala)

—Petitioner/Workman

AND

1. The Chairman,  
Bank of Cochin Ltd.,  
Head Office,  
Ernakulam,  
Cochin-682018.

—Respondent/Management

2. The Chief General Manager,  
State Bank of India,  
LHO Circle Top,  
21, Rajaji Salai,  
Madras-1.

(Impleaded as per Order dated 22-8-86 in Mis. App. No. 128/85)

REFERENCE :

Order No. L-12012/49-84-D IV.A dated 17-7-85 of Ministry of Labour, Government of India, New Delhi (as corrected as per L-12012/49/84-D IV.A dated 2-1-86).

This dispute coming on this day for final disposal in the presence of Thiruvallargal T. S. Gopalan, P. Ibrahim Kalifula and S. Ravindran, Advocates for Management and Thiruvallargal S. Sampath Kumar and K. S. V. Prasad, for Petitioner, upon perusing the reference, claim and counter statements and other connected papers on record, this Tribunal passed the following.

#### AWARD

This dispute between Shri Davies Paul Nellissery and the Chairman, Bank of Cochin Limited, now amalgamated with the State Bank of India, arises out of a reference under Section 10 (1) (d) of the Industrial Disputes Act, 1947 by the Ministry of Labour, Government of India in its Order No. L-12012/49/84-D IV(A) dated 14-7-1985 and 2-1-86 for adjudication of the following issue :

Whether the action of the Management of M/s. Bank of Cochin Ltd., Cochin-18 in dismissing from their service Shri Davies Paul Nellissery with effect from 17-5-76 (duly

approved by the Industrial Tribunal, Kozhikode in 1962) is justified? If not to what relief is the workman concerned entitled and from what date?

2. Originally when the reference was made the Chairman, Bank of Cochin Limited with Head Office at Ernakulam was shown as Respondent. Since, the said bank has been amalgamated with State Bank of India, the Chief General Manager, State Bank of India, Madras has also been impleaded. The reference was also subsequently amended as per letter dated 2-1-86 from the Ministry of Labour, New Delhi for including the question as to what relief the workman is entitled and from which date.

3. The allegations in the Claim Statement are as follows.—The workman was employed as a clerical hand in the Bank of Cochin, which was in existence at the time of the conciliation proceedings leading to the reference, but thereafter the same was amalgamated with the State Bank of India. The Bank of Cochin had several branches in Kerala and the workman had worked in number of branches. During 1974-75 he was employed in the bank's branch at Calicut, having been transferred on 5-7-74. For some inexplicable reasons his health had deteriorated during that period and he was constrained to avail of leave on extraordinary scale.

4. The leave applications were submitted along with the Medical certificates, but the Bank took the stand that the certificate issued by Lessie Hospital at Ernakulam alone was acceptable. The workman belongs to Trichur, 80 Kms away from the hospital, and was employed at Calicut, which was further away by 200 Kms. A charge sheet was issued to him on 18-3-75. A domestic enquiry was held by the legal advisor to the Bank, but no decision had been communicated. On 4-9-1975, when he reported for work after obtaining a fitness certificate from his doctor, he was not admitted to duty by the Branch Manager. He had sent a representation requesting the Chairman of the Bank, for which there was no reply. A Show Cause Notice was issued asking him to explain why he should not be dismissed from service for unauthorised absence. By the order dated 7-5-1976, the workman was dismissed from service, and the Industrial Tribunal, Alleppey, granted its approval for the same in 1982. The Management had acted in an arbitrary manner, while terminating the services of the workman. Due to indifferent health, for a short spell, there was fall in attendance, which could not be equated with misconduct. There was no service condition, requiring any particular employee to obtain a certificate from any specified institution. He was victimised. Enquiry was a farce. The Bank's Legal Advisor held the enquiry, with the assistances of the Presenting Officer, who was legally qualified. The workman was not given effective assistance. The dismissal order should be set aside, directing reinstatement of the workman with consequential benefits like arrears of pay, and due promotions.

5. The Respondent-Management filed the following Counter.—The petitioner was appointed as a Clerk on probation on 2-2-1967 in the Bank of Cochin Limited. Even during the period of probation, he was frequently absenting himself from work. His services were terminated on 18-3-1968 for absence without leave. By

a letter dated 19-3-1968, the Petitioner tendered his apology and he was reinstated. The petitioner was found to be a chronic absentee throughout his career in the service of the Bank of Cochin Limited. His absenteeism became more acute from 1974. During the period from 16-7-74 to 31-12-74 when he was working in the Calicut branch, he attended work only for 45 days. The petitioner absented for two days on 17-7-74 and 18-7-74 on the ground that he was suffering from cold and body pain. On 18-7-74 he applied for extension of leave for six days. The leave was refused and the absence was treated as on loss of pay. Again he absented for five days from 24-7-74 on the ground of fever, which was found to be untrue and therefore, the leave was rejected. On 29-7-74 he applied for extension of leave by 5 days on the ground of body weakness, which was also found to be false, and was rejected. Again he absented from 16-8-74 to 19-8-74 on the ground that he was suffering from dysentery, which was also rejected. He applied leave for six days from 8-9-74 on the ground of sickness, which was also rejected, as it was not supported by Medical Certificate. The petitioner applied for leave for 7 days from 15-9-74 on the ground of stomach pain and it was also not supported by Medical Certificate. Again he applied for extension of leave by 14 days from 22-9-74 on the ground he was suffering from stomach pain and disorder of stomach, which was not granted. He also applied for leave for 7, 8 and 9-10-74 of illness and extended by one more day on the ground of severe cold and throat pain, which was also not granted. He absented from work on 21, 22 and 23-10-74 on the ground that he was suffering from fever. In view of his continuous absence without leave, on 22-10-74 a memo was issued to the Petitioner charging him with the misconduct of habitual absence without leave. In spite of that he continued to be absent on the ground of sickness for 6 days from 22-10-74, and for seven days from 1-11-74. Certain Medical Certificates produced by him were found to be lacking in bonafides. He applied for one day leave on 20-11-74 in which no ground was mentioned. Hence, another charge sheet dated 22-11-74 was issued to the petitioner. Again he applied for leave from 1-12-74 for 3 days on the ground of sickness and sought extension of leave for 15 days from 4-12-74 which were rejected. He produced a Medical Certificate on 12-12-74. It was held that the medical certificate was not genuine and it was not acted upon. He prayed for leave for 10 days from 9-12-74, without stating any ground. His absence without leave continued.

6. On 18-3-75 a show cause notice was issued to the Petitioner for his absence without leave and calling upon him to show cause why disciplinary action shall not be taken. Petitioner did not submit any explanation. Though the petitioner had due notice of the enquiry, he did not attend the enquiry. The Personnel Officer of the Bank of Cochin Limited was examined. The Enquiry Officer gave his finding on 1-9-75 holding that the charges against the petitioner were proved. The petitioner reported to work only on 4-9-75. By communication dated 6-9-75, the Petitioner was informed about his having been found guilty of the charges levelled against him in the memo dated 18-3-1975, and it was proposed to award him the punishment of dismissal. He was given an opportunity

to appear before Chairman of the Bank. The Petitioner did not bring any circumstance to take a lenient view. Accordingly, orders were passed on 17-5-76 dismissing the Petitioner from service.

7. The Industrial Tribunal allowed the approval application OMP No. 65/75 in I. D. No. 41/74. The petitioner accepted the dismissal and did not take any steps to challenge the same. After nearly two years, on 22-2-1984, the Petitioner purported to raise an Industrial dispute. By then, the Bank was led to believe that the order of dismissal has become final, and had arranged its affairs on that basis. The claim of the Petitioner should not be countenanced solely on the ground of delay and laches. The dismissal order was made in May 1976, and it will be unfair to the Bank to reopen the issue.

8. It is not admitted that the decision of the Enquiry Officer was not communicated to the Petitioner. By letter dated 6-9-1976, the Petitioner was informed about the report of the Enquiry Officer dated 1-9-1975 and was asked to Show Cause why the punishment of dismissal should not be imposed. The petitioner appeared for a personal hearing before the order of dismissal was passed. The petitioner had been a chronic absentee from work on false grounds, and it was found that he was working for a Chit Fund. It is denied that the enquiry was a farce or that the Presenting Officer was a legally qualified person. An award may be passed rejecting the claim of the petitioner.

9. The Petitioner filed the following reply statement.—It is denied that petitioner was a chronic absentee. The termination of the petitioner's service on 18-3-1968 during the probation was illegal. However, the petitioner did not protest, but submitted meekly signing on the dotted line. The leave was applied for by the petitioner for good and sufficient reason and some times, extension was sought for the same reason. Almost, every time, when required by the Management, the Medical Certificate was submitted. The employees could avail 12 days Casual leave, 30 days of Privilege leave, and 6 months of sick leave, on full pay or one year on half pay apart from leave on loss of pay. It was the usual practice in the Bank to furnish the Medical Certificate only when asked for, even if leave was applied for on medical grounds. The leave applied for by petitioner was refused or rejected almost after the period applied for was over. The statement that the reason was found to be untrue was incorrect. The leave applications were rejected without any basis, and with a motive, because, the Management wanted the petitioner to produce Medical Certificate from Leslie Hospital at Ernakulam in which Dr. Joseph Farecathil, a Director of the Bank, was a Director. A memorandum of charge was issued on 22-11-1974 and after the explanation dated 5-12-1974, there was no action. So, it is clear that the Management had dropped the case. The subsequent charge sheet dated 18-3-1975 on the same grounds reopening the issue is illegal. It was received by the petitioner after 24-3-1975. Petitioner sent a reply dated 28-3-1975 enclosing Medical Certificates, by Certificate of posting on 29-3-1975, but by mistake to Branch at Calicut. So, it is false to state that the petitioner did not submit any explanation to the charge sheet. The

petitioner was ill and applied for leave from 7-4-1975 and later applied for extension upto 4-9-1975. When the Enquiry Officer fixed 21-6-1975 as the date of enquiry, the respondent and the Enquiry Officer were aware that the petitioner was unwell that he was not in a position to attend the enquiry and he had already applied for leave. Yet, the Enquiry Officer illegally proceeded with the enquiry ex parte. Hence, the enquiry is illegal. The petitioner in view of his illness and the leave application expected the enquiry to be adjourned.

10. During the enquiry the alleged report of the agent dated 15-6-1975 was produced and marked as Exhibit A-68. It was not cited as an Exhibit in the list dated 26-5-1975 sent to the petitioner. The petitioner was not furnished with copies of some of the documents like the Agent's reports. Only 12 documents were listed in the letter dated 26-5-1975, whereas, 65 Exhibits were marked. The petitioner was not given a reasonable opportunity to defend himself against the false allegation contained in the alleged letter of the Agent dated 15-6-1975, stating that Petitioner was employed in M/s. Chettupuzha Investments. The enquiry officer acted illegally in relying upon this letter. The Medical Certificate dated 26-10-1974 submitted in pursuance of Ex. A-16 was deliberately not produced before the Enquiry Officer. The charge of unauthorised absence is a minor offence for which a minor punishment alone can be given. But, with a view to award a major punishment a baseless and untenable charge that "the conduct of the petitioner was against the contract of service and adversely affecting the interest of the bank" was levelled. The alleged letters from the Agent of the Calicut Branch were not furnished to the petitioner. There was no delay or laches in raising the Industrial Dispute. The petitioner raised the dispute on 21-12-1982. But, as there was no action, he wrote another letter dated 28-2-1984, which was acted upon.

11. The issues that arise for consideration in this reference are :

- (1) Whether the absence of the Petitioner from duty from 16-7-1974 onwards was unauthorised, without reasonable cause, without prior permission, and without proper leave applications, and therefore the Petitioner is guilty of misconduct ;
- (2) Whether the action of the petitioner adversely and prejudicially affects the affairs and administration of the Bank.
- (3) Whether the Enquiry has been conducted fairly and properly and whether the dismissal of the petitioner from service was justified ?

(12) Issues 1 to 3.—The petitioner herein was appointed as Clerk in the Bank of Cochin Limited in the year 1967, which Bank was subsequently amalgamated with the State Bank of India. He was transferred to the Calicut branch of the erstwhile Bank of Cochin Limited. On 16-7-1974 under Ex. M.1 the Petitioner had sent a leave letter to the Respondent stating that he was suffering from severe cold and body pain and requesting that he may be

sanctioned leave for 17th and 18th July, 1974. Then on 18-7-1974 the Petitioner sent another leave letter (Ex. M.2) requesting leave for six days from 18-7-74 on the ground that he was suffering from cold and fever. We find an endorsement on Ex. M.2 that this was against the rule and to instruct, and also the leave is treated as one on loss of pay. Then the Petitioner, once again applied for leave on the ground that he was suffering from severe fever under Ex. M.3 on 24-7-1974 for five days from 24-7-1974. This leave was extended by him for five more days from 29-7-1974 under Ex. M.4 dated 29-7-1974 on the ground that the body weakness is not completely cured. There is an endorsement in Ex. M.4 by the Bank that it is rejected for want of Medical Certificate. But, under Ex. M.5 the Petitioner applied for leave on 16th, 17th and 19th August 1974 on the ground that he was suffering dysentery on which also we find an endorsement that is is rejected. The petitioner sought for leave for six days from 3-9-1974 under Ex. M.7 on 9-9-1974. Here, we find that the leave letter is not even sent on 8-9-1974 but was sent on a later date, on which also there is an endorsement that Medical Certificate should be produced and it is treated as sick leave doubled. Again under Ex. M.8 on 14-9-1974 he applied for seven days leave from 15-9-1974 on the ground that he was suffering from stomach pain and dysentery. Once again on 21-9-1974 under Ex. M.9 he sought for extension of leave for 14 days from 22-9-1974 on the ground that he was suffering from stomach pain and disorder, wherein also the bank endorsed Medical Certificate should be produced. The bank sends a communication under Ex. M.10, dated 4-10-1974 to the Petitioner stating that his leave applications including Ex. M.8 and M.9 will be considered only on production of Medical Certificate. It has also been specifically stated therein that the Petitioner has already been instructed to submit Medical Certificate for leave applied previously, and otherwise his absence will be treated on loss of pay without any further communication. In spite of this, on the very next day that is on 5-10-74 the Petitioner sought for three days leave on the ground that he was suffering from severe cold, which was rejected. The petitioner applied leave for one day under Ex. M-12 that is, on 10-10-74 on the ground that he was suffering from cold. On 15-10-74 he had sent a leave letter Ex. M.13 to the Bank applying leave for 19-10-74 and the reason given is family affairs. Then on 19-10-1974 he applies for leave from 21st to 23rd October, 1974 on the ground that he was suffering from fever (Ex. M.14). His application under Ex. M.14 bears an endorsement "Rejected".

13. The Bank then sent a memo to the Petitioner under the original of Ex. M.15 stating that he is continuously absenting himself from duty disregarding leave regulations and Head Office instructions, that since it amounts to serious misconduct, the Petitioner should submit his explanation within 48 hours as to why disciplinary action should not be taken against him. This communication also informs him that his application for leave for four days from 7-10-74 (Ex. M.11, 12) and one day on 19-10-74 (Ex. M.13) are rejected. So, it is clear that the petitioner's contention that it is usual for the employees of the Bank to apply for leave even on Medical grounds without

Medical Certificate, and that it is presumed that leave is granted, when it is not rejected cannot at all be accepted in view of the categorical stand taken by the respondent Bank that he should produce Medical Certificate, and also the communication that his leave applications are rejected. The petitioner applied for leave on 23-10-74 under Ex. M.16 stating that he is suffering from fever, that he will be submitting his reply to this memo Ex. M.15, soon after he comes out of bed, and request for extension of time for reply. Even thereafter the petitioner goes on applying for leave on Medical ground without Medical Certificate. On 25-10-74 itself he applies for leave on the ground of illness for six days from 26-10-74 to 31-10-74 under Ex. M.17. Again under Ex. M.18 he applied for leave for seven days from 1-11-1974. On Ex. M.18 we find an endorsement by the Bank to issue a Charge sheet. On 22-11-74, the bank issues the first charge sheet (Ex. W.1) to the petitioner accusing him of having remained absent without obtaining permission without any reasonable cause and without applying for leave in proper manner for 13 days in July, 7 days in August, 23 days in September, 23 days in October and 8 days in November. It also mentions that he continued his misconduct in spite of repeated intimations regarding his absence, and in utter disregard of his duties as an employee of the bank, and that his actions are adverse to the interest of the bank, prejudicial to the good conduct and also subversive of discipline. To this, he sends Ex. W.2 stating that he is innocent of the charges and seeking 15 days time to send the proper explanatory reply. But, even before this charge memo is issued, the Petitioner applied for leave for one day that is 20-11-74 under Ex. M.19 dated 19-11-74. The reason given there is family affairs. On 20-11-74 he asks for extension of one day more leave without giving any reason whatsoever, but simply stating that in continuation of his leave application on 19-11-74 he may be granted leave. On 21-11-74 under Ex. M.21 he seeks leave for two days, that is, 22-11-74 and 23-11-74 mentioning that the leave may be treated as privilege leave. In both Ex. M.20 and M.21 find an endorsement they were rejected. As pointed out already the bank issues the first charge sheet on 22-11-74, and he seeks 15 days time under Ex. W-2 on 29-11-74. In spite of these, he once again seeks leave for 3 days on the ground of illness from 2-12-1974 under Ex. M.22 dated 1-12-1974. The bank under Ex. M.23, dated 2-12-74 has stated that as per his request dated 29-11-74 (Ex. W.2) he is given time till 9-12-74 to submit his explanation. On 4-12-74 the petitioner sought for 15 days leave under Ex. M.24. On 5-12-74 the Petitioner sent his explanation for the first charge sheet under Ex. W-3 wherein he has admitted that he could not attend his duty on various dates mentioned in the charge memo Ex. W-1. But, he explains that his absence was due to his illness, and therefore, he could not take prior permission. He has also stated that on all these days in question he was actually under treatment of competent Doctors, and if necessary, he shall produce the certificates from them. But, the petitioner has not stated therein that it is usual for the bank employees not to produce



medical certificate or that he was not informed of the rejection of the leave applications, or that he took it for granted that the leave has been granted. On the contrary, he has stated that on all of these days in question he was under actual treatment from competent doctor, and if necessary, he shall produce the certificate from them. Therefore, according to him he has taken treatment from more than one doctor, and that he can produce certificates, though he says, that if necessary he will produce the certificates. It is pertinent to note that the bank has been insisting for medical certificate. We find that the bank has stated that he should produce medical certificate. In spite of it he goes on applying for leave on medical ground, but without enclosing medical certificate. But, yet when called upon to answer the first charge memo issued he has stated that if necessary he will produce the certificate. The conduct of the petitioner is unacceptable. Though, he had sent several leave letters prior to the first charge sheet dated 22-11-1974 he has not produced even a single prescription or any receipt for having purchased medicine. If he was taking treatment from competent doctors, there should be prescriptions and receipt for purchase of medicines, which the petitioner is bound to produce in the circumstances of this case, though, normally it may not be necessary. This is not a case where the petitioner applies for leave for one or two weeks or even one or two months once in a while. The petitioner goes on applying for leave either on the expiry of the previous leave applied for prior thereto or after the expiry of the earlier leave. He has sent applications seeking leave for 3 days, 4 days, 7 days, 15 days and even for a single day. Absence is more or less continuous except for a few days attendance in between for a total period from 16-7-1974 to 31-12-1974. It is stated that the petitioner attended the duty for 43 days and remained absent for the rest of the days. So, in such circumstances when the Petitioner goes on applying for medical grounds in piecemeal, the petitioner should have produced the best evidence that is, the prescription and receipts for purchase of medicines. But he does not produce even a single prescription. But we find that in spite of the charge memo dated 22-11-74 the leave applications on the ground of illness did not abate and continued to flow.

14. Under Ex. M. 25, dated 18-12-1974 the petitioner applies for leave for 10 days from 19-12-1974. The respondent then sends a communication to him under Ex. M. 26 dated 21-12-1974 stating that he has to produce a medical certificate from Leslie Hospital at Ernakulam, in pursuance of bank's letter dated 11-12-74. The Petitioner takes very strong exception to this letter requiring him to produce a Medical Certificate from Leslie Hospital on two grounds. The first is that the petitioner is living or working in a place very far away from Ernakulam and therefore it is improper on the part of the bank to insist for a certificate from that hospital which is situated at a far off place. The second objection of the petitioner is that the Respondent is not entitled to insist upon the production of a certificate from a particular hospital. The petitioner contends that a Director of this bank is also a Director in that Hospital. But, it does not mean that the requirement of the bank is motivated. When the petitioner goes on sending applications for

leave on medical ground many of them unsupported by Medical certificate, and when the bank takes exception to reasons given by the petitioner and believes that they are false, the bank is entitled to specify the hospital from where the petitioner should get a medical certificate and produce the same. Even for the Government employees we find that there is a requirement to appear before the Medical board constituted by the authority for examination and report as to the genuineness or otherwise of the request made by the Government Servant. So, for granting leave on medical ground, the Bank of Cochin can specify a particular hospital from which the petitioner should get and produce medical certificate which cannot at all be stated to be motivated or improper. The fact that Leslie hospital is far away cannot be urged as a ground. But, in spite of this, the petitioner once again applied for leave on 29-12-1974 under Ex. M. 27 for 11 days, and then under Ex. M. 28 for 7 days from 9-12-1974. His application under Ex. M. 28 is dated 9-1-75, whereas the leave applied for relates to a period of 7 days from 9-12-1974. Under Ex. M. 27, he requests for 11 days from 29-12-1974 and this application is dated 29-12-1974.

15. The applications for leave continued in the year 1975 also. Under Ex. M. 29 dated 16-1-75, he applied for leave from 16-1-75 to 30-1-75 and then again under Ex. M. 30 he applied for leave from 30-1-75 to 14-2-75. But except stating that the leave may be extended, the petitioner has not given any reasons at all in these two applications. Similarly, under Ex. M. 31, dated 12-2-75, the petitioner has sought for extension of leave from 14-2-75 to 4-3-75, and hereagain the petitioner has not given any reason at all. Under Ex. M. 32 and M. 33 the Petitioner has asked for leave from 3-3-75 to 19-3-75. From a perusal of these applications, we find that not only the dates overlapping in Ex. M. 33, but also that the petitioner has not given any reason for the leave applied for. It is after this application (Ex. M. 33) the bank once again issued a memo. The Second Charge sheet dated 18-3-75 (Ex. W.6) was issued to him, mentioning that this memo was being issued further to the first charge memo (Ex. W-1), and that he has been irresponsible and unauthorisedly absenting him from duty from 16-7-74 to 31-12-74, that he had attended office for 43 days during a period of 5-1/2 months, and that he has not attended the office even for a single day from 1-1-75. This charge sheet also specifically mentions that though, he has been giving only one plea that he has been ill, the same is unsupported by prescribed medical certificate. It accuses him that he is either unfit or unwilling to fulfil his part of the contract in utter disregard of his duties as an employee of the bank, and that was again his service contract adversely affecting the interest of the Bank. In spite of these, while on the one hand sending a reply dated 28-3-75 under Ex. W.7 to this charge sheet stating that he was suffering from abdominal troubles and amoebic dysentery, that he was not irresponsible, and that he is sending medical certificate from Dr. P. V. Joseph, the petitioner sends a leave letter (Ex. M 35) on 28-3-75 itself for one day. The following portion in Ex. W-7 is worth reading.

"I am sending herewith the medical certificate of Dr. P. V. Joseph, and so I think that it

will not affect adversely the interest of the bank.'

The certificate issued by Dr. P. V. Joseph has been marked as Ex. W-26 dated 22-3-75 and it is stated therein as follows :

"This is to certify that Davies Paul Nelliserry is under my treatment for Amoebiasis and Bronchitis from 19-12-1974 to 24-3-1975. He requires leave and rest for treatment. He is fit to join duty on 24-3-1975." This letter assumes importance because for the leave from 19-12-1974 to 24-3-1975 which was taken piecemeal, this consolidated medical certificate is obtained on 22-3-1975. Referring to this certificate, the petitioner states in Ex. W. 7 that he thinks that it will not affect adversely the interest of the bank. The petitioner is sarcastic about the requirement of the bank calling for the production of medical certificates, and makes this remark that he has now produced a certificate and thinks that the interest of the bank will no more be affected. But this certificate is obtained long after the leave letters and was not sent with the leave letter. Further it is stated that he was fit for joining duty on 24-3-1975. But, the petitioner did not join. Instead of joining duty even on 24-3-1975, he had sent a letter dated 28-3-1975 under Ex. M. 35 seeking leave for one day on 29-3-75. On the very same day, that is 28-3-1975, as pointed out already, he has sent his reply Ex. M. 36 (original of Ex. W-7) giving his explanation. Once again he applied for leave for two days on 29-3-75 under Ex. M. 37 and 1-4-75 for one day (for 2-4-75) under Ex. M. 38. Then under Ex. M. 39 dated 5-4-75 he applies for leave for seven days from 7-4-1975, and under Ex. M. 41 dated 12-4-1975 for leave till 31-5-1975. But, the mean while the petitioner was served with a notice that of enquiry in the disciplinary proceedings will be conducted (Ex. W-9, dated 2-4-1979). So, the petitioner sends Ex. M. 43 dated 3-6-1975 seeking leave, for two months from 6-6-1975 under Ex. M. 43. In Ex. M.43, we find that no reason has been given for his applying for leave except that in continuation with his leave. He does not give any reason whatsoever for leave for such a long period. The reason is obvious. He had received Ex. W-9, dated 2-4-1975 informing that he has not given any explanation, and that Mr. Joseph has been appointed as the Enquiry Officer. Therefore, he knows that the enquiry will be conducted against him. So, he seeks leave for two months without giving any reason. From the discussion above made, we can see that even in the year 1974 i.e. 22-10-74, excution was taken (Under Ex. M. 15) to the conduct of the petitioner in applying for leave on medical grounds without a proper medical certificate. A memo was issued to the petitioner under Exhibit M-15 on 22-10-74 specifically stating that he was acting in disregard of leave regulations and the instructions of the Head Office. Under Exhibit M-48 dated 2-8-74, the petitioner has been informed that his request for leave was rejected as he had not complied with the rules and regulations, and in future such request will not be entertained. Under Exhibit M-26 the petitioner has been informed on 21-12-74 that his leave application will be considered if a medical certificate is produced from Leslie Hospital. So inspite of all these petitioner has been going on applying for leave on medical grounds on certain occasions

without supporting them with medical certificates then and there. The petitioner contends that he had produced some medical certificates, but, that is not enough. Whenever leave was applied for on medical grounds, the petitioner should have submitted medical certificates alongwith them on each of the occasions. His contention that they would submit medical certificates only whenever asked for by the Bank is not only not acceptable but is also found to be incorrect in view of the stand taken by the respondent as pointed out already. Further, the petitioner has sent one medical certificate (Ex. W. 26) for the period from 19-12-1974 to 24-3-1975 during which period he has sent nearly 9 applications. Only in exhibits M-27, M-35 and M-37 he has given medical grounds and in most of the others we find that no reason is given. But he sends a medical certificate exhibit W-26 covering that period. So, in these circumstances it is clear that his absence was unauthorised and was not with a proper leave application. The petitioner's action appears to be as if by merely applying for leave his duty is over. Of course the learned counsel for the petitioner contended that when a person applies for leave and if it is not either rejected or if the rejection is not communicated to him, it must be presumed that it has been granted. The Learned Counsel for the petitioner also relied upon the decision in *P. Singh Vs. The Automobile Products of India Ltd.*, (1953 2 LLJ Bombay Page 271), in support of his contention. But, as pointed out already, Respondent herein has not only rejected his application and has even taken action against him. It has even informed him that his request without medical certificates will not be considered at all. Therefore, when inspite of that the petitioner goes on sending leave applications without being supported by Medical certificates, he cannot presume that the leave asked for by him has been granted.

16. The Learned Counsel for the petitioner contends that some documents asked for by him were not furnished at all. The notice issued by him to produce certain documents has been marked as Exhibit W-28. Under Ex. W-28, the petitioner has requested the respondent to produce the documents marked as Exs. A-24, A-37, A-57, A-63 & A-65 in the domestic enquiry. He has also sought for the leave letters from 1-6-75 to 6-6-75 and subsequent to 6-8-75. But, in this enquiry, we are concerned with his absence prior to the II Charge sheet i.e. 18-3-75 and therefore, these leave letters are not relevant for our purposes. Further, this is not an isolated case of absence. The absence of the petitioner has been more or less continuous. Therefore, the mere fact that the respondent has not produced some documents cannot be a matter in favour of the petitioner. As pointed out already, for each and every one of the leave application on medical grounds the petitioner should have furnished medical certificate, which he has not done. In some leave letters no reason has at all been given. Therefore, this will not in any way help the petitioner.

17. The next contention of the petitioner is that though the petitioner was on leave, the enquiry was not adourned, but was held ex-parte, and therefore it is illegal. Normally if the delinquent is on leave it can be stated that the enquiry should not be held during the leave period. But, this is a case where the petitioner has been on leave continuously, and has been



in the habit of sending leave applications one after another at or about the period of expiry of earlier leave application. As pointed out already, the petitioner knew that the enquiry was going to be held against him. Therefore, he suddenly applied for 2 months leave under Exhibit M. 43 from 6-6-75, while he has all along been applying for leave in piece meal, and has been in the habit of extending them. No reason has been given in Ex. M. 43. So, deliberately he had applied for leave for 2 months when he was sure that the enquiry will be fixed shortly. It is obvious that he had decided to avoid the enquiry. While he applied for leave, he does not send a communication to the Enquiry Officer that he will not be able to attend the enquiry. No explanation whatsoever has been given for not intimating the enquiry officer at all. He allows the Enquiry Officer to proceed *ex parte* and wants to take advantage of leave application is obvious. So, in these circumstances, I find that it cannot be stated that the enquiry is improper or illegal or that the petitioner was not given a fair opportunity to put forth his case.

18. Another contention put forward by the petitioner is that the first charge was framed in November 1974, that he had given a reply to it and thereafter no action was taken and therefore, he was under the impression that the proceedings were closed. The petitioner contends that by issuing a Second Charge sheet the Respondent is not entitled to re-open the closed matter and therefore the re-opening is illegal. The respondent has nowhere stated or has given room for the petitioner to assume that proceedings in pursuance of the first charge sheet of the year 1974 were dropped. Therefore, this contention of the petitioner cannot be accepted.

19. The petitioner next contended that the Enquiry Officer was not right in relying upon Ex. M. 54, which is a statement alleged to have been given by the Agent of the Bank mentioning that the petitioner was working in some Chit funds. The Learned Counsel for the petitioner contended that the petitioner was not given an opportunity to question this document since author of the said statement M-54 was not examined by the respondent. But, even if we ignore this documents, the respondent's case is established. Whether he is employed elsewhere or not, it is not a matter in issue. Though, it can be a circumstances to show that the petitioner was not interested in working in the Bank, with which we are not concerned, the question being whether the petitioner deliberately absented himself without reasonable cause or a proper leave application? Therefore this does not affect the respondent's case.

20. The petitioner next contended that in W-6 which is a memo issued on 18-3-1975, the petitioner has been called upon to explain as to why he should not be dismissed from service, and that this is a preconceived decision. The Learned Counsel for the petitioner therefore, contends that when the respondent has already decided to dismiss the petitioner even before the enquiry the enquiry cannot be held to be proper. But, a reading of Exhibit W-6 dated 18-3-75 shows that the petitioner has been asked to explain as to why he should not be dismissed from service or otherwise punished. We must remember here that there was a first charge sheet dated 22-11-1974 against 2074 GI/93—8

the petitioner about his unauthorised absence, and inspite of it, the petitioner continued to be absent unauthorisedly and without a proper application for leave. Therefore, on 18-3-1975, the petitioner was issued this memorandum W-6 wherein it has been stated as mentioned above. Therefore, it cannot be considered that the respondent has decided to dismiss the petitioner, and therefore the enquiry is not proper.

21. Therefore, taking into consideration all these circumstances, I find that the petitioner is guilty of unauthorised absence without a proper leave application, and such absence has not only affected the Bank, but also tends to affect the discipline among the employees of the Bank adversely. So, the dismissal of the petitioner from the service is justified.

In the result, I find that the dismissal of the petitioner from service is justified, and the petitioner is not entitled to any relief. An Award is passed accordingly. No costs.

Dated, this 12th day of July, 1993.

THIRU K. SAMPATH KUMARANI,  
Industrial Tribunal.

#### WITNESSES EXAMINED

For Workman :

W.W. 1.—Thiru Davies Paul Nellissery (Petitioner-Workman).

For Management : None.

#### DOCUMENTS MARKED

For Workman :

Ex. W-1/22-11-1974.—Charge Sheet issued to the Petitioner Workman (Copy).

Ex. W. 2/29-11-1974.—Letter from Petitioner praying time to submit his explanation (Copy).

Ex. W. 3/5-12-1974.—Explanation by the Petitioner to Ex. W.1 (Copy).

Ex. W. 4/11-12-1974.—Letter from the Management bank rejecting leave applied by the Petitioner—Workman (Copy).

Ex. W. 5/21-12-1974.—Letter from Management Bank demanding Medical Certificate from Lisie Hospital, Ernakulam (Copy).

Ex. W. 6/18-3-1975.—Memo issued to the petitioner for his continued absence from duty (Copy).

Ex. W. 7/28-3-1975.—Reply to Ex. W. 6 by the Petitioner—Workman to the Management—Bank.

Ex. W. 8/—Xerox copy of Certificate of posting addressed to the Agent, Bank of Cochin Ltd., Kozhikode.

Ex. W. 9/2-4-1975.—Notice issued to the petitioner that enquiry will be held (Copy).

Ex. W. 10/26-5-1975.—Notice by Management Bank to the Petitioner workman supplying

- list of documents to be relied on by the Management at the proposed domestic enquiry (Copy).
- Ex. W. 11|4-6-1975.—Letter from the Enquiry cer to the Petitioner—Workman intimating the date of enquiry (Copy).
- Ex. W. 12|4-9-1975.—Joining report of Petitioner Workman (Copy).
- Ex. W. 13|4-9-1975.—Management's acknowledgement of receipt of a cover from the Petitioner workman (Copy).
- Ex. W. 14|4-9-1975.—Letter from Petitioner Workman to the Management Bank (Copy).
- Ex. W. 15|6-9-1975.—Notice of proposed punishment issued to the petitioner workman (Copy).
- Ex. W. 16|16-3-1975.—Notice of proposed punishment issued to the petitioner workman (Copy).
- Ex. W. 17|17-5-1976.—Dismissal order issued to the Petitioner workman (Copy).
- Ex. 18|21-6-1975.—Statement of Thiru George Vannian, Personnel Officer of the Management Bank given in the domestic enquiry (Copy).
- Ex. W. 19|1-9-75.—Report of Enquiry Officer (copy).
- Ex. W. 20|17-5-1976.—Petition for approval of dismissal of the petitioner filed before the Industrial Tribunal, Kozhikode (Copy).
- Ex. W. 21|8-2-1977.—Counter to Ex. W. 20 filed by the Petitioner workman (Copy).
- Ex. W. 22|22-2-1984.—Petition from Petitioner Workman to the Asstt. Labour Commissioner, Central Ernakulam (Copy).
- Ex. W. 23|5-9-1984.—Counter to Ex. W. 22 filed by the Management Bank before the Asstt. Labour Commissioner (Central) Ernakulam (Copy).
- Ex. W. 24|27-9-1984.—Conciliation failure report (Copy).
- Ex. W. 25|10-12-1974.—Medical certificate issued by Dr. P. V. Joseph, Trichur, to the Petitioner—workman (Copy).
- Ex. W. 26|22-3-1975.—Medical certificate issued by Dr. P. V. Joseph, Trichur, to the Petitioner—workman (copy).
- Ex. W. 27|4-9-1975.—Medical certificate issued by Dr. N. S. Venugopal, Chalakulam, to the Petitioner workman (copy).
- Ex. W. 28|15-3-1991.—Notice given by Petitioner's advocate to Respondent's advocate to produce documents.
- Ex. W. 29|14-3-1968.—Termination order issued to the Petitioner workman.
- Ex. W. 30|18-3-1968.—Termination order issued to the Petitioner workman.
- Ex. W. 31|19-3-1968.—Letter from the Petitioner workman to the Management Bank requesting to allow him to continue in service of the Bank.
- Ex. W. 32|4-7-1970.—Transfer order issued to the Petitioner workman.
- Ex. W. 33|17-7-1970.—Last pay certificate of the petitioner sent at the time of transfer.
- Ex. W. 34|13-3-1971.—Transfer Order issued to the Petitioner workman.
- Ex. W. 35|2-7-1973.—Leave record of Petitioner.
- Ex. W. 36.—Director's report of the Management Bank for the year 1973 (Xerox copy).
- Ex. W. 37.—Director's report of the Management Bank for the year 1974 (Xerox copy).
- Ex. W. 38|27-11-1991.—Malayalam Newspaper "Satyadeepam".
- Ex. W. 39|27-11-1991.—English translation of Paras 2 and 7) a news item in Satyadeepam weekly (Ex. W. 38).
- For Management :
- Ex. M. 1|16-7-1974.—Leave Letter from the petitioner workman to the Management Bank for granting leave for two days on 17-7-1974 and 18-7-1974.
- Ex. M. 2|18-7-1974.—Leave Letter from the petitioner workman to the Management Bank for granting leave for six days more from 18-7-1974.
- Ex. M. 3|24-7-1974.—Leave Letter from the petitioner workman to the Management Bank for granting leave for five days more from 24-7-1974.
- Ex. M. 4|29-7-1974.—Leave Letter from the petitioner workman to the Management Bank for granting leave for five days more from 29-7-1974.
- Ex. M. 5|14-8-1974.—Leave Letter from the petitioner workman to the Management Bank for granting leave for three days on 16-8-1974, 17-8-1974 and 19-8-1974.
- Ex. M. 6|18-8-1974.—Leave letter from the Petitioner workman for 20-8-1974.
- Ex. M. 7|9-9-1974.—Leave letter from the petitioner workman to the Management Bank for granting leave for six days from 8-9-74.
- Ex. M. 8|14-9-1974.—Leave letter from the petitioner workman to the Management Bank for granting leave for seven days more from 15-9-1974.
- Ex. M. 9|21-9-1974.—Leave letter from the petitioner workman to the Management Bank for granting leave for 14 more days from 22-9-1974.

- Ex. M. 10-4-1974.—Letter from the Personnel Officer, Bank of Cochin Ltd., Ernakulam, to the Calicut branch and the petitioner informing that the leave applied by the petitioner workman could be considered only on production of medical certificate.
- Ex. M. 11/5-10-1974.—Leave letter from Petitioner workman to the Management Bank for granting Leave for three days from 7-10-1974 to 9-10-1974.
- Ex. M. 12/9-10-1974.—Letter from the Petitioner workman to the Management Bank for granting leave for one day on 10-10-1974.
- Ex. 13/15-10-1974.—Leave application of the Petitioner workman.
- Ex. M. 14/19-10-1974.—Leave letter from Petitioner workman to the Respondent Bank for granting leave for 3 days from 21-10-74 to 23-10-1974.
- Ex. M. 15/22-10-1974.—Memo issued to the petitioner calling for his explanation for his unauthorised absence.
- Ex. M. 16/23-10-1974.—Letter by the Petitioner requesting time to send his reply.
- Ex. M. 17/25-10-1974.—Letter from the Petitioner to the Respondent for granting leave for 6 days from 26-10-1974 to 31-10-74.
- Ex. M. 18/31-10-1974.—Letter from the Petitioner to the Respondent for granting leave for 7 days more from 1-11-1974.
- Ex. M. 19/19-11-1974.—Letter from the Petitioner to the Respondent for granting leave for one day on 20-11-1974.
- Ex. M. 20/20-11-1974.—Letter from the Petitioner to the Respondent for granting leave for one more day on 21-11-1974.
- Ex. M. 21/21-11-1974.—Letter from the Petitioner workman to the Management Bank for granting leave for 2 days on 22-1-1974 and 23-1-1974.
- Ex. M. 22/1-12-1974.—Letter from the Petitioner workman to the Management Bank for granting leave for 3 days from 2-12-74.
- Ex. M. 23/2-12-1974.—Letter from the Management Bank to the Petitioner Workman directing to submit his explanation to the charge sheet on or before 9-12-1974.
- Ex. M. 24/4-12-1974.—Letter from the Petitioner workman to the Management Bank for granting leave for 15 days from 4-12-1974.
- Ex. M. 25/18-12-1974.—Letter from the Petitioner workman to the Management Bank for extending leave for 10 days from 19-12-1974.
- Ex. M. 26/21-12-1974.—Letter from the Personnel Officer, Bank of Cochin Ltd., Ernakulam to the Agent of the Bank at Calicut informing that the leave applied for by the petitioner workman could be considered only on production of medical certificate from Lisle Hospital, Ernakulam.
- Ex. M. 27/29-12-1974.—Letter from the Petitioner workman to the Respondent for extending leave for 11 days from 29-12-74.
- Ex. M. 28/9-1-1975.—Letter from the Petitioner workman to the Respondent for extending leave for 7 days from 9-12-74.
- Ex. M. 29/16-1-1975.—Letter from the Petitioner workman to the Respondent for extending leave from 16-1-1975 to 30-1-75.
- Ex. M. 30/28-1-1975.—Letter from the Petitioner workman to the Respondent for extending leave from 31-1-1975 to 14-2-75.
- Ex. M. 31/12-2-1975.—Letter from the Petitioner workman to the Respondent for extending leave from 14-2-1975 to 4-3-75.
- Ex. M. 32/2-3-1975.—Letter from the Petitioner workman to the Respondent for extending leave from 3-3-1975 to 11-3-75.
- Ex. M. 33/10-3-1975.—Letter from Petitioner to respondent for extending leave from 10-3-1975 to 19-3-1975.
- Ex. M. 34/17-3-1975.—Letter for extending leave from 19-3-1975 to 5-4-1975.
- Ex. M. 35/28-3-1975.—Letter for granting leave for one day on 29-3-1975.
- Ex. M. 36/28-3-1975.—Letter from the Petitioner to the Chairman, Bank of Cochin Ltd., Ernakulam.
- Ex. M. 37/29-3-1975.—Letter from the Petitioner to the Respondent for granting leave for 2 days on 31-3-1975 and 1-4-1975.
- Ex. M. 38/1-4-1975.—Letter from the Petitioner to the Respondent for granting leave for one day on 2-4-1975.
- Ex. 39/5-4-1975.—Letter from the Petitioner to the Respondent for granting leave for 7 days from 7-4-1975.
- Ex. M. 40/7-4-1975.—Letter from the Petitioner to the Respondent Bank requesting to transfer him to Trichur Branch.
- Ex. M. 41/12-4-1975.—Letter from Petitioner to the Respondent Bank for extending leave for 31-5-1975.
- Ex. M. 42/17-5-1976.—Dismissal order issued to the Petitioner workman.
- Ex. M. 43/3-6-1975.—Letter from the Petitioner to the respondent Bank for extending leave for 2 months from 6-6-1975.
- Ex. 44/4-6-1975.—Letter to the petitioner workman intimating the fresh date of enquiry.
- Ex. M. 45.—Letter from the Petitioner to the Bank requesting to treat the leave as medical leave for 60 days from 7-4-1975.
- Ex. M. 46/22-7-1974.—Letter from the Management to the Agent of the Bank with a copy

to the Petitioner workman rejecting the leave applied for 6 days.

- Ex. M. 47/1-8-1974.—Letter from the Management to the Agent of Bank with copy to the Petitioner workman rejecting the leave applied for 5 days from 24-7-1974.
- Ex. M. 48/2-8-1974.—Letter from the Management to the Agent of the Bank with copy to the Petitioner workman rejecting the leave applied for five days from 29-7-1974.
- Ex. M. 49/22-8-1974.—Letter from the Management to the Agent of the Bank with copy to the Petitioner workman rejecting the leave applied for 3 days from 16-8-1974.
- Ex. M. 50/24-8-1974.—Letter from the Management to the Agent of the Bank with copy to the Petitioner workman rejecting the leave applied for one day on 20-8-1974.
- Ex. M. 51/11-9-1974.—Letter from the Personnel Officer, Bank of Cochin Ltd., Ernakulam to the Agent of the Bank, Calicut, informing that the leave applied for by the Petitioner Workman for 6 days from 8-9-74 could be considered only on production of Medical Certificate.
- Ex. M. 52/6-12-1974.—Letter from the Management to the Agent of the Bank, Calicut, with a copy to Petitioner rejecting the leave applied for 3 days from 2-12-1974.
- Ex. M. 53/11-6-1975.—Letter from Personnel Officer, Bank of Cochin Ltd., Ernakulam informing to the petitioner that the leave applied for by him for 60 days from 7-4-1975 could be considered only on production of Medical Certificate from Lisic Hospital, Ernakulam.
- Ex. M. 54/15-6-1975.—Letter from Thiru B. V. George to Thiru George Vannian, Personnel Officer, Bank of Cochin Ltd., Ernakulam, informing that the Petitioner workman is working in M/s. Chettupuzha Investments, Trichur.
- Ex. M. 55/17-6-1982.—Order of the Industrial Tribunal, Alappuzha, in I.D.M.P. No. 2/82 in I.D. No. 9-82.
- Ex. M. 56.—File containing leave letters submitted by Petitioner etc.

नई दिल्ली, 9 दिसम्बर, 1993

का.सं. 2073 :— केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपखंडों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिवृत्ता संख्या का. सं. 706 दिनांक 16 मार्च, 1993 द्वारा इंडिया सर्विसमेंट मिन्ट, यम्बई को उक्त अधिनियम के प्रयोजनों के लिए 16 मार्च, 1993 से छः मास की कालावधि के लिए लोकोपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम को उक्त अधिनियम के प्रयोजनों के लिए 16 दिसम्बर, 1993 से छः मास की और कालावधि के लिए लोकोपयोगी सेवा घोषित करती है।

[संख्या एम-11017/3/85-डी-1 (ए)]

एस.एस. प्रशर, अवसर सचिव

New Delhi, the 9th September, 1993

S.O. 2073.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of the sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 706 dated the 16th March, 1993 the India Government Mint, Bombay to a public utility service for the purpose of the said Act, for a period of six months from the 16th March, 1993;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declared the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 16th September, 1993.

[No. S-11017/3/85-DI(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 14 दिसम्बर, 1993

का.सं. 2074 :— केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपखंडों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिवृत्ता संख्या का. सं. 464 दिनांक 17 फरवरी, 1993 द्वारा जिक खवन अद्योग को उक्त अधिनियम के प्रयोजनों के लिए 14 मार्च, 1993 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः, अब, औद्योगिक विवाद 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त

उद्योग की उका अधिनियम के प्रयोजनों के लिए 14 सितम्बर, 1993 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/9/85-डी-1 (ए) 1]

एस. एस. पराशर, अवर सचिव

New Delhi, the 14th September, 1993

S.O. 2074.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of the sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 464 dated 17th February, 1993, the Zinc Mining Industry to be a public utility service for a period of six months, from the 14th March, 1993;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 14th September, 1993.

[No. S-11017/9/85-D.I(A) (i)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 14 सितम्बर, 1993

का.आ. 2075—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिवृचना संख्या का.आ. 465 दिनांक 17 फरवरी, 1993 द्वारा शीशा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 14 मार्च, 1993 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब, औद्योगिक विवाद, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 14 सितम्बर, 1993 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/9/85-1 (ए) (ii)]

एस.एस. पराशर, अवर सचिव

New Delhi, the 14th September, 1993

S.O. 2075.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of the sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 465 dated the 17th February, 1993, the Lead Mining Industry to be a public utility service for a period of six months, from the 14th March, 1993;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 14th September, 1993.

[No. S-11017/9/85-D.I(A) (ii)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 13 सितम्बर, 1993

का.आ. 2076—कर्मचारी भविष्य निधि तथा प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 2 के खण्ड (ट ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत के राजपत्र, आचारण के भाग-II खण्ड-3 उप खंड (ii) में 3 जुलाई, 1990 की अधिसूचना सं. का.आ. 533 (ई) में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की अनुसूची में:-

(i) क्रमांक 1 के सामने कालम (2), के अन्तर्गत की गयी प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात् :-

“श्री एन वातामुत्राणियम,  
सहायक भविष्य निधि आयुक्त,  
आन्ध्र प्रदेश”

(ii) क्रमांक 5 के सामने कालम (2) के अन्तर्गत की गयी प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात् :-

“श्री एन.सी. निवा,  
सहायक भविष्य निधि आयुक्त,  
हरियाणा,”

(iii) क्रमांक सं. 6 के सामने कालम (2) के अन्तर्गत की गयी प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात् :-

“श्री बी. इरला,  
सहायक भविष्य निधि आयुक्त,  
कर्नाटक,”

(iv) क्रमांक 13 के सामने कॉलम (2) के अन्तर्गत की गयी प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात् :—

“श्री एन.पी. पालसे,  
सहायक अधिष्य निधि आयुक्त,  
उड़ीसा”

[सं. आर-11013/2/90-एस एस. II]

जे. पी. शुक्ला, प्रवर सचिव

New Delhi, the 13th September, 1993

S.O. 2076.—In exercise of the powers conferred by clause (kb) of Section 2 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendments in the Notification of the Government of India, Ministry of Labour No. S.O. 533 (F) dated the 29th June, 1990, published in Part II Section 3, sub-section (ii) of the Gazette of India, Extraordinary dated the 3rd July, 1990, namely :—

In the Schedule to said notification :—

(a) against serial No. 1 for the entry under column (2), the following shall be substituted, namely :—

“Shri S. Balasubramanian,  
Assistant Provident Fund Commissioner,  
Andhra Pradesh.”

(ii) against serial No. 5 for the entry under column (2), the following shall be substituted, namely :—

“Shri N.C. Mitra,  
Assistant Provident Fund Commissioner,  
Haryana.”

(iii) against serial No. 6 for the entry column (2), the following shall be substituted, namely :—

“Shri V. Eranna,  
Assistant Commissioner,  
Provident Fund,  
Karnataka.”

(iv) against serial No. 13 for the entry under column (2), the following shall be substituted, namely :—

“Shri M. V. Poulse,  
Assistant Commissioner,  
Provident Fund,  
Orissa.”

[No. R-11013/2/90-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 13 सितम्बर, 1993

का.सा. 2077—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की ईस्ट कटरास कोलियरी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचन को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-93 को प्राप्त हुआ था।

[सं.एस. 24012/100/86-4(जी)/आई आर (को-I)]

हरीश गोड, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2077.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of East Katras Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 8-9-93.

[No. L-24012/100/86-D.IV(B)/IR (C-I)]

HARISH GAUR, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 42 OF 1987

## PARTIES :

Employers in relation to the management of East Katras Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

## APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 30th August, 1993

## AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(100)/86-D.IV(B) dt. 31st December, 1986.

## SCHEDULE

“Whether the demand of the workmen Shri Mahadeo Bhuia Loader Miner and 7 others as per list below for regularisation in the appropriate time rated cate categories as performed by them by the Management of East Katras Colliery of M/s. Bharat Coking Coal Ltd., Area No. IV, P.O. Sijua, Dhanbad, is justified? If so, to what relief the workmen are entitled?”

Sl. No.	Name	Designation	Working as	Period
1.	Mahadeo Bhuia	Loader/Miner	Trammer	4/5 years
2.	Suhhlal B.P.	-do-	Tyndal.	-do-
3.	Jalji Mia.	-do-	Shale Picker Trammer	-do-
4.	Sukri Kamin	Wagon Loader	Canteen Kamin.	3/5 years.
5.	Sona Mani Kamin.	-do-	Creche Ayah	-do-
6.	Baida Majhi	Miner/Loader	General Mazdoor.	-do-
7.	Suresh Bhuiya	-do-	Tyndal.	-do-
8.	Nanakh Ram	-do-	Tyndal	-do-

2. This reference is pending since the year 1987. From the record I find that Shri Joshi has already been putting attendance on behalf of the management. But nobody appeared on behalf of the workmen. The record further reveals that notices under the registered cover have already been sent twice to the Joint General Secretary, RCMS Union, Dhanbad and in spite of that no step has been taken. Lastly registered notice was sent on 28-6-93. This shows that the concerned workmen/union are not very much interested in pursuing the matter. As per terms of reference it was the demand of the workmen as per schedule of the reference for their regularisation in the appropriate time rated categories as per job performed by them by the management in East Katras Colliery of M/s. B.C.C.L. Since no steps are being taken, I have no alternative but to pass 'No dispute' Award. It may also be noted that W.S. also has not been filed on behalf of the workmen/union. A 'No dispute' Award is passed accordingly.

B. RAM, Presiding Officer

नई दिल्ली, 13 सितम्बर, 1993

का.आ. 2078.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. सेंट्रल कोलफील्ड्स लिमिटेड या सेंट्रल अस्पताल, नई सराय के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-93 को प्राप्त हुआ था।

[सं. एल-24012/124/86डी-4(बी)/आईआर (कोल I)]  
एच.सी. गोड़, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 11) Dhanbad as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Central Hospital, Naisarai of CCL and their workmen which was received by the Central Government on 8-9-93.

[No. L-24012/124/86 DIV(B)/IR (C-I)]  
HARISH GAUR, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 87 OF 1987

## PARTIES :

Employers in relation to the management of Central Hospital, Naisarai of Central Coal-fields Ltd. and their workmen.

## APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—Shri R. S. Murthy,  
Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 30th August, 1993

## AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(124)/86.D.IV(B) dt. 12th February, 1987.

## SCHEDULE

"Whether the action of the Management of Central Hospital Naisarai of C.C. Ltd., P.O. Ramgarh Cantt. District Hazaribagh in denying regularisation as Dark Room Assistant to Shri Bhaskar Parida when he has been working in the said position since August, 1982 is legal and justified? If not, to what relief is the concerned workman entitled."

2. This reference is pending since 1987. In spite of several adjournment none appeared on behalf of the workmen nor any W.S. was filed. Lastly on 20-7-93 the learned counsel for the management filed an application for passing 'No dispute' award for the workmen is not interested in pursuing the matter. I find no reason as to why such prayers should not be allowed. Registered notices had been sent to the Asstt. Secretary, RCMS Ramgarh, Hazaribagh. In the circumstances 'No dispute' Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 13 सितम्बर, 1993

## THE SCHEDULE

का.सं. 2079.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार, श्री. भारत कोकिंग कोल लिमि. की जालगोरा क्षेत्र सं. 11 की डी.जी. परियोजना के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-93 को प्राप्त हुआ था।

[सं. एल-24012/90/86-डो-4(अ)/आई आर (कोल I)]

एच.सा. गाड़, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the industrial Dispute between the employers in relation to the management of D. G. Project, Jalgora Area No. XI of M/s. BCCL and their workmen which was received by the Central Government on 8-9-93.

[No. L-24012/90/86|DIV(B)|IR (C-I)]  
HARISH GAUR, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
PRESENT

Shri B. Ram

Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

## PARTIES :

REFERENCE NO. 56 OF 1987

Employers in relation to the management of D. G. Project, Jalgora Area No. XI of M/s. Bharat Coking Coal Ltd. and their workmen.

## APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 30th August, 1993

## AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/96/86-D.IV(B) dated the 12th January, 1987.

"Whether the action of the management of D.G. Project Jalgora of Bhowra Area No. XI of M/s. BCCL P.O. Bhowra, Distt. Dhanbad in not regularising Shri B. K. Singh as Fitter and Shri G. L. Ram as Electrician in Cat. IV with retrospective effect is justified? If not, to what relief the workmen are entitled?"

2. This reference is pending since 1987 and the record reveals that in spite of several adjournment nobody appeared on behalf of the workmen. The record also reveals that necessary notices had also been sent twice under registered cover. In the circumstances, no dispute award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 13 सितम्बर, 1993

का.सं. 2080.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार, श्री. भारत कोकिंग कोल लिमि. के भोरा क्षेत्र संख्या-11 का जालगोरा कोलियरी के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-93 को प्राप्त हुआ था।

[सं. एल-24012/140/86-डो-4(बी) आई आर (कोल I)]

एच. सा. गाड़, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jalgora Colliery of Bhowra Area No. XI of M/s. BCCL and their workmen which was received by the Central Government on 8th September, 1993.

[No. L-24012/140/86-D.IV(B)|IR (C.I.)]

HARISH GAUR, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
PRESENT

Shri B. RAM

Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 91 OF 1987

## PARTIES :

Employers in relation to the management of Jalgora Colliery of Bhowra Area XI of M/s. Bharat Coking Coal Ltd. and their workmen.



**APPEARANCES :**

On behalf of the workmen : None.

On behalf of the employers : Shri R. S. Murthy,  
Advocate.

State : Bihar

Industry : Coal.

Dated, Dhanbad, the 30th August, 1993

**AWARD**

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(140)/86-D.IV(B) dated the March 1987,

**SCHEDULE**

“Whether the action of the management of Jealgora Colliery of Bhowra Area No. XI of M/s. BCCL in retiring Shri Bhajan Bhuiya from service w.e.f. 1-7-1986 is justified ? If not, to what relief the concerned workman is entitled?”

2. This reference is pending since 1987 for filing W.S. None appeared for the workmen nor any W.S. was filed. From the record I find that on 31-8-1992 Shri D. Mukherjee appeared on behalf of the workmen but no step was taken to file the W.S. although more than a year has lapsed since then. In the circumstances a ‘No dispute’ Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 14 सितम्बर, 1993

का. आ. 2081.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल कोलफील्ड्स लिमि. की तापिन नार्थ कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं-2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-93 को प्राप्त हुआ था।

[सं. एल-24012/17/87-डी-4(बी)/आईआर(कोल-I)]

एच.सी. गौड़, डैस्क अधिकारी

New Delhi, the 14th September, 1993

S.O. 2081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tapin North Colliery of C.C.L. and

their workmen which was received by the Central Government on 8th September, 1993.

[No. L-24012/17/87-D.IV(B) IR(C-I)]

HARISH GAUR, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

**PRESENT**

Shri B. Ram

Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 251 OF 1987

**PARTIES :**

Employers in relation to the management of Tapin North Colliery of Central Coalfields Ltd. and their workmen.

**APPEARANCES :**

On behalf of the workmen : None.

On behalf of the employers : Shri R. S. Murthy,  
Advocate.

State : Bihar

Industry : Coal.

Dated, Dhanbad, the 30th August, 1993

**AWARD**

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/17/87/D.IV(B) dated the 24th August, 1987.

**SCHEDULE**

“Whether the action of the Management of Tapin North Colliery of C.C. Ltd., P.O. Tapin North, Distt. Hazaribagh in denying regularisation to S/Sri Mohd. Salumuddin, Mathura Manjhi and Latif Mian as Drivers and not granting an annual increment and other dues etc. when they have been working as Drivers for the last 3 years, is legal and justified ? If not, to what relief the workmen concerned are entitled?”

2. This reference is pending since 1987. The case is quite old and no W.S. was ever filed on behalf of the concerned workmen. The record will reveal that the registered notices were sent twice to the President, Indian National Coal Mines Engineering Workers Association, Hazaribagh but no step was taken by and on behalf of the concerned workmen/union. This suggests that the union/workmen is not interested in pursuing the matter and hence a ‘No dispute’ Award is passed.

B. RAM, Presiding Officer

